

1 SOUTHCENTRAL FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL
2 PUBLIC MEETING
3 February 28, 1995
4 Sheraton Hotel
5 Anchorage, Alaska
6

7 **VOLUME I**
8
9

10
11 COUNCIL MEMBERS PRESENT:
12

13 Roy S. Ewan, Chairman
14 Lee C. Basnar, Vice-Chairman
15 Ralph Lohse, Secretary
16 Gary V. Oskolkoff
17 Fred John, Jr.
18 Benjamin E. Romig
19 Robert Henrichs
20
21 Ms. Helga Eakon, Coordinator
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P R O C E E D I N G S

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3 MR. EWAN: I'll call the meeting to order. This is a
4 public meeting of the Southcentral Alaska Subsistence Regional
5 Advisory Council. We'll have roll call.

6
7 MR. LOHSE: Roy Ewan.

8
9 MR. EWAN: Here.

10
11 MR. LOHSE: Lee Basnar.

12
13 MR. BASNAR: Here.

14
15 MR. LOHSE: Robert Henrichs.

16
17 MR. HENRICHs: Here.

18
19 MR. LOHSE: Fred John, Jr.

20
21 MR. JOHN: Here.

22
23 MR. LOHSE: Gary Oskolkoff.

24
25 MR. OSKOLKOFF: Here.

26
27 MR. LOHSE: Ben Romig.

28
29 MR. ROMIG: Here.

30
31 MR. LOHSE: Ralph Lohse is present. Mr. Chairman, we
32 have a quorum present.

33
34 MR. EWAN: Thank you. Next item is adoption of the
35 agenda. The agenda is in front of you. Does anybody want to
36 comment on the agenda?

37
38 MR. LOHSE: I move we adopt the agenda as written.

39
40 MS. EAKON: We do have an addition, it's called the
41 NARC Petition, if you would add it to New Business, Item Number

42
43
44 MR. EWAN: What do you call it?

45
46 MS. EAKON: N-A-R-C Petition.

47
48 MR. EWAN: Okay.

49
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1 MS. EAKON: You do have it in your books.
2
3 MR. EWAN: There's a motion to adopt the agenda, is
4 there a second?
5
6 MR. OSKOLKOFF: Second.
7
8 MR. EWAN: As amended, I guess, that is.
9
10 MR. OSKOLKOFF: Yes.
11
12 MR. EWAN: Further discussion on the motion?
13
14 MR. LOHSE: Question.
15
16 MR. EWAN: Question has been called for. All in favor
17 say aye.
18
19 IN UNISON: Aye.
20
21 MR. EWAN: Opposed by the same sign.
22
23 (No opposing votes)
24
25 MR. EWAN: Motion is carried. Review of the minutes of
26 October 6 and 7, 1994.
27
28 MR. LOHSE: Mr. Chairman, I move we adopt the minutes.
29
30 MR. EWAN: There's a motion to adopt the minutes of
31 October 6 and 7 of 1994.
32
33 MR. BASNAR: Second.
34
35 MR. EWAN: Motion is seconded. Further discussion on
36 the motion?
37
38 UNIDENTIFIED VOICE: Question.
39
40 MR. EWAN: Question has been called for. All in favor
41 say aye.
42
43 IN UNISON: Aye.
44
45 MR. EWAN: Opposed by the same sign.
46
47 (No opposing votes)
48
49 MR. EWAN: Motion is carried. At this time we'd like
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to have a moment of silence in memory of Roy Otten, Seward Peninsula Subsistence Regional Council member.

3

4 (Moment of silence observed)

5

6 MR. EWAN: Thank you. Now let me get back to something
7 skipped over. I guess we all could see our name tags up
8 here, but for those of you that can't see that far, let's go
9 down from my right to left. Ralph.

10

11 MR. LOHSE: Ralph Lohse, Cordova, Alaska.

12

13 MR. EWAN: Roy Ewan from Gulkana.

14

15 MR. BASNAR: Lee Basnar, Colorado Lake, Cantwell area.

16

17 MR. OSKOLKOFF: I'm Gary Oskolkoff from Ninilchik.

18

19 MR. JOHN: Fred John, Jr., Mentasta.

20

21 MR. ROMIG: Ben Romig from Cooper Landing.

22

23 MR. HENRICHS: Robert Henrichs, EYAK, Cordova.

24

25 MR. EWAN: And for the audience, I guess we'll just
26 start out here with Janis.

27

28 MS. MELDRUM: Janis Meldrum, National Park Service,
29 Anchorage.

30

31 MS. EAKON: Helga Eakon, Regional Advisory Council
32 Coordinator.

33

34 MR. GALIPEAU: Russell Galipeau, Wrangell-St. Elias
35 National Park and Preserve.

36

37 MR. MARTIN: Richard Martin, Chickaloon Village.

38

39 MR. MARSHALL; Dick Marshall, Fish & Wildlife Service,
40 Subsistence Office.

41

42 MR. TWITCHELL: Hollis Twitchell, Denali National Park
43 and Preserve.

44

45 MR. BORBRIDGE: BIA, Juneau.

46

47 MR. KNAUER: Bill Knauer, Fish & Wildlife Service,
48 Anchorage.

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1 MR. COFFEEN: Mike Coffeen, BLM, Glennallen.
2
3 MR. DENTON: Jeff Denton, BLM, Anchorage District.
4
5 MR. WILLIS: Robert Willis, U.S. Fish & Wildlife
6 Service, Anchorage.
7
8 MR. EWAN: Back there.
9
10 MR. KUHN: Rod Kuhn, U.S. Forest Service, Anchorage.
11
12 MR. HOWSE: Norm Howse, Forest Service, Federal
13 Subsistence Board staff.
14
15 MR. THOMPSON: Ken Thompson, Forest Service
16 Subsistence.
17
18 MR. GRANDE: Chris Gande, residence Seldovia.
19
20 MR. SHOWALTER: James Showalter, Kenaitze Tribe, Kenai.
21
22 MS. SWAN: Clare Swan, Kenaitze Tribe, Kenai.
23
24 MR. DIRKS: Moses Dirks from the U.S. Fish & Wildlife
25 Service, Regional Coordinator Kodiak/Aleutians.
26
27 MR. EWAN: Okay, thank you very much. I welcome you
28 all to the Southcentral Regional Council public meeting.
29
30 At this time we want to take public comments. Do we
31 have somebody from the public that wants to make comment on any
32 subsistence subject? Before we get into the public comment, I
33 would like to say I have a dental problem, a tooth problem this
34 morning. I'll be leaving here in a little while and Lee
35 Basnar, the Vice-Chair, will be chairing the meeting while I'm
36 at the dental office.
37
38 The first person we'll call on is Mr. Richard Martin
39 from Chickaloon.
40
41 MR. MARTIN: I just have a few comments to make on
42 this, the yellow paper that -- the Draft Proposal and Analysis
43 for Regional Council review and comment. I've had just a
44 little bit of time to go through this document and trying to
45 relate how this affects Chickaloon Village. And I noticed one
46 of the classifications in this pamphlet puts Chickaloon Village
47 under a rural designation. And I think that Chickaloon Village
48 really objects to this classification very strongly. And from
49 the view point of the fact that Chickaloon Village does not
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make Chickaloon rural. It was from the colonization of that area by outside peoples that made it rural and, therefore, they shouldn't be penalized for their wanting to have the ability to participate in subsistence activities that have been going on for thousands of years in that area. And referring specifically to the caribou herds that are not but about 10 or 15 miles from Chickaloon proper.

8

9 I'd also in talking over with the village council meeting there's some concerns and needs that need to be addressed as far as our involvement with state regional and local governments concerning fish and game. And I think that someone from Chickaloon will probably be applying for a council seat with the Southcentral Regional Council to try to address some of these problems.

16

17 And that was all I had to say.

18

19 MR. EWAN: I believe we have some questions here.
20. Basnar.

21

22 MR. BASNAR: Yes, sir, could you refer specifically in there to this rural status that you object to in Chickaloon village?

25

26 MR. MARTIN: Okay.

27

28 MR. BASNAR: Can you point me to that, please?

29

30 MR. MARTIN: It'll take me a minute to find it.

31

32 MR. BASNAR: No problem, take your time.

33

34 MR. OSKOLKOFF: Were you referring to the footnote on page 3?

36

37 MR. EWAN: I just want to say while we're looking for that, I don't think we had any part in designating Chickaloon rural or non-rural. We didn't discuss that at all in our meeting.

41

42 MR. MARTIN: Well, I've run across this and there are infinite rights that you have being rural versus a village community in the ability to get into hunting and fishing game.

45

46 MR. BASNAR: There are two designation in the Federal systems program, sir, and you're either rural or non-rural and you either have customary and traditional use or you don't. It's to your advantage to be found rural.

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1
2 MR. MARTIN: Oh, I see.
3
4 MR. BASNAR: So in this case, you know, we will take
5 your objection, but if you'd like to amend
6
7 MR. MARTIN: Oh, no, then I'll withdraw my objection.
8
9 MR. BASNAR: Thank you.
10
11 MR. MARTIN: Someone from the village has given me some
12 wrong information then. In that case I'll go sit down and be
13 quiet. Thanks.
14
15 MR. BASNAR: Thank you.
16
17 MR. EWAN: Okay, the next person is Clare Swan from
18 Kenai.
19
20 MR. MARSHALL: Mr. Chairman, maybe I can clarify
21 something with Chickaloon. I have been on the phone with some
22 of the
23
24 COURT REPORTER: Mr. Marshall, please.
25
26 MR. MARSHALL: Yeah. Richard Marshall
27
28 COURT REPORTER: No, no, no, up to the mic, please.
29 You know better than that.
30
31 MR. MARSHALL: Dick Marshall, Fish & Wildlife Service,
32 Subsistence Management office. I'd just like to clarify
33 something on Chickaloon because it might relate to something
34 this gentleman heard from people in the village. I have been
35 on the phone with some of the representatives of the village.
36 What they're concerned about is that the unit boundary between
37 13 and 14 is on the Chickaloon River and, therefore, those
38 folks that are in Unit 14, in other words, on the west side of
39 the Chickaloon River, while they're rural they do not have c&t
40 for subsistence use in Unit 13 and it's been brought our
41 attention that this is not a valid situation where half the --
42 just because a game management unit goes through a village that
43 we split it half and people on half of that village lose their
44 subsistence privileges.
45
46 So we do intend to fix that administratively, it is on
47 the agenda for the staff committee meeting in March and for the
48 Board meeting in April.
49
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1 MR. EWAN: All right. Now we'll go to Clare Swan.

2

3 MS. SWAN: I just want to speak to doing the cultural
 4 and traditional, making your determination as far as
 5 subsistence is. And we believe that the use of locally
 6 available resources are what make up cultural and traditional
 7 - is cultural and traditional determination. In other words,
 8 we don't believe that you need to get a certain number of
 9 people who use the resources. I think if -- because that's
 10 what subsistence is, as you guys well know, is that what's
 11 available is what you use. And we simply think that that's
 12 what needs to be used in that determination, is the use -- are
 13 those things which are being used in for people for
 14 subsistence.

15

16 That's pretty much all I have to say about this. I
 17 don't know what else there is left to say about this. Thank
 18 you.

19

20 MR. EWAN: I take you're talking about -- I guess
 21 there's criteria that's been used.

22

23 MS. SWAN: Yes, we read those and basically what those
 24 say is that, you know, the eight criteria

25

26 MR. EWAN: I guess they call them factors, eight
 27 factors

28

29 MS. SWAN: Yeah, 10 commandment. Is that --
 30 specifically is what it says is what is locally available
 31 resources and those are -- that is what subsistence is as
 32 opposed to running all over the world trying to find something
 33 to eat.

34

35 MR. EWAN: I guess I want to be sure that I understand
 36 what you're saying. That what's available at a given time is
 37 what you subsist on.

38

39 MS. SWAN: Yes. Yes, it's what people use

40

41 MR. EWAN: If it's not available doesn't mean that you
 42 have not subsisted or is that what you mean or

43

44 MS. SWAN: Yes. I guess I should read it. It includes
 45 the use of locally available wildlife for food and culture.
 46 And I think that the words customary and traditional are --
 47 they are meant to capture that basic fact, that rural residents
 48 are entitled to take those species that are locally available
 49 and that whoever use them there -- I don't -- in other words,

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we're saying that if you say 10,000 people use this particular species and that the number of people who use it should not be 3- determine whether it's cultural and traditional in an area. 4If the people use those things in that particular area, that's 5their culture and tradition is what we're saying.

6

7 MR. EWAN: Okay.

8

9 MR. LOHSE: Clare, basically if I understand what 10you're saying is that in order to be customary and traditional 11it has to be within the local boundaries or locally used. In 12other words, from what I understood you were saying, was it 13can't be something that somebody went, at one time or another, 14and used a long ways away or something like that.

15

16 MS. SWAN: Not -- not -- because that isn't -- I mean, 17traditionally that's not what you do, you don't use someone 18else's food. I mean, you just -- you didn't do it, we just 19didn't do it that way. That's not -- to my mind, we just use 20what is there and at the times that they are there for the 21particular purpose.

22

23 MR. BASNAR: You know, I have a question. You're from 24the Kenaitze Tribe, right?

25

26 MS. SWAN: Yes.

27

28 MR. BASNAR: Okay, now, in your history or background, 29and any of your people ever go up into, say, the Susitna 30Valley?

31

32 MS. SWAN: Yes.

33

34 MR. BASNAR: To hunt?

35

36 MS. SWAN: Yes.

37

38 MR. BASNAR: And you consider that still to be local?

39

40 MS. SWAN: Well,

41

42 MR. BASNAR: I'm trying to get a handle on your use of 43local.

44

45 MS. SWAN: Yeah, I understand that and I thought that 46that was the word that was going to get in there, but -- I 47mean, I thought we were -- you know, we were talking about 48subsistence and then you have to get back to that definition. 49That's a very hard word to define, simply because we didn't

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make the word, you guys did. Or, you know, someone else. And that was as opposed to getting fish for money and resources, since we had to eat. And, yes, people went and -- but more than that and there is written history that said the end of the winter people would come from the Susitna area down to Kenaitze with -- they would bring caribou, they'd come down the creeks because they -- part of the problem was they didn't get too many fish up there because in the winter the ice froze and killed the smolt. And that is written. And they came down and brought it to share, so part of this is subsistence also, but I guess what I'm trying to say is that subsistence is not something that you go trucking off up, you know, to use somebody else's food. This is part of -- that's what it is, it's a matter of using what you need.

15

16 In a way, I mean, that to us is exactly what it is, it's not in the numbers of people who go and say, well, I'm going to go -- this is open for subsistence, I'm going to do that. That's the modern way, you're taking cultural and additional, well, that's how it was. For many of us that's how it is.

22

23 MR. BASNAR: So you have as difficult time defining local as we do, then, I guess, because local can be a pretty large area, according to what you just told me.

26

27 MS. SWAN: Well, if you -- I'm not sure that additionally they thought about it that way, it's just what you had to do to get that and they brought it down here, brought the fish down. And I don't

31

32 MR. BASNAR: Now, these were not Kenaitze members that brought the fish down, perhaps they were Ahtna or

34

35 MS. SWAN: Yeah, they were Athabascan people, yeah. Or they brought the caribou down.

37

38 MR. BASNAR: Okay.

39

40 MS. SWAN: And then, you know, that's not to say that we couldn't get fish here and take it up there and share it, that's part of what subsistence is.

43

44 Oh, gosh, I hope you don't drag the word local in and start getting it all (indiscernible -- interrupted)

46

47 MR. BASNAR: Not going to, I just wanted to see where you're coming from, that's all.

49

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1 MS. SWAN: You use what there is. What's locally
2 available and you don't necessarily have to go -- for
3 subsistence. That isn't subsistence if I had to go somewhere
4 else and get it. I, you know, in another way.

5
6 MR. BASNAR: Thank you.

7
8 MR. EWAN: Any other questions, comments?

9
10 MR. LOHSE: Can I?

11
12 MR. EWAN: Yeah, Ralph.

13
14 MR. LOHSE: So you're kind of going along with the
15 criteria that says (ph) with an economy of effort. If you're
16 spending more to get it than what you're getting, that's not
17 true subsistence.

18
19 MS. SWAN: No. If you -- you know, if you're going to
20 if we're going to get down to all that, no, it isn't really.
21 It's a lot of other things. Thank you.

22
23 MR. EWAN: Can I just comment? I want to make sure we
24 get a clear understanding of this because -- I know you don't
25 want to get local into it, but it seems to me like -- that it's
26 -- what you're saying is people that are in a community, move
27 there (ph), live there and use whatever resource that's
28 available, fish if it's fish, for years. Those you consider
29 additional and customary users.

30
31 What you're saying is those people that are traveling,
32 coming into your community and harvesting salmon and all that
33 should be considered a little different. Is that what you're
34 saying?

35
36 MS. SWAN: If you're just going to define it, yes,
37 that's what I'm saying. If you use -- because that's what
38 subsistence is is the economy of effort. And economy is money
39 and you -- you know, subsistence takes in the total use of any
40 the no waste -- that's what it means. It means that you use
41 and you don't get it if you're not going to use it. If you
42 don't have time to use it you just don't go take it because you
43 can, you do it when you need to and the whole idea is there an
44 economy of effort and the economy of the resource itself. And
45 how it's used. And culturally and traditionally and I'm
46 coming, you understand, from my own -- my Kenaitze framework,
47 that that's what I do. To me, personally, sitting out there
48 waiting for a fish to come to my hook all day isn't fun, you
49 know, I just want to go -- I don't want to get it. Catch and
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release is not even in that definition. I mean, just go get the fish and get it over with, get it in your smokehouse or in your camper and go home.

4
5 MR. EWAN: Okay. Any other comments? There's not, thank you.

7
8 The next item will be under Old Business. We'll get onto Kenai Peninsula customary and traditional use eligibility determination. It is my understanding that in the meeting that we held last year, I believe it was in January, it was considered an informal meeting and not a public meeting. And, therefore, we have to go through the process that we ourselves had -- the Advisory Council had deliberated to a great extent and to our satisfaction, but now we have to make it more formal and take some -- make some comments, for the record, in make determinations -- this determination for the Kenai Peninsula.

18
19 I guess before we get into this, somebody wanted to make a comment maybe. Dick Pospahala.

21
22 MR. POSPAHALA: Thank you, Mr. Chairman. I'd asked --
23m Dick Pospahala with the Fish & Wildlife Service. I
24present the Service on the interagency staff committee.

25
26 I wanted to beg your indulgence for a few minutes for a brief introduction by myself and by Mr. Tom Boyd of the Bureau of Land Management about some of the events that have been taking place within the Federal community within recent months with regard to the customary and traditional use determinations.

32
33 As you're well aware, over the past several months there's been considerable attention devoted to the customary and traditional use determination issue within the context within our Federal subsistence management relations. Some of this background material was provided to you, Mr. Ewan, in a letter dated December 19th and signed by then, Board Chairman, Willie Hensley, and I think Willie laid it out very well. Subsequent to the development of that letter the Federal Subsistence Board convened in an executive session on the 19th of December of last year.

43
44 Basically what the Board did at that time is to direct the staff committee to seek agreement between the regional council representatives and the interagency staff committee regarding customary and traditional use determinations within the context of the existing regulations in a fashion that was flexible and respectful, regional diversity throughout the

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state. They indicated that the efforts from the point on should necessarily focus on the need to consider the various concerns relative to conservation and put in the allocation of public resource.

5

6 Furthermore, at that time, we decided to that there was a need to discuss, refine and commit to the process for regional council involvement. I think all of us remember back to a time, perhaps at this meeting last year, when many of the other regional councils had asked that the Kenai customary and traditional use determination process be delayed until they have had an opportunity to play a bit larger role. And that, in fact was done, but last April the Board directed that the staff committee work with the councils to begin to pursue a more active course of action, leading to a determination in this area by this rule making period this April.

17

18 The staff committee then met on the 12th of June. They did a couple of things at that meeting. During the December 20th, Board meeting Mr. Boyd of the Bureau of Land Management had offered up some view that were presented to the Board in a very general way that had not been considered before and the course of action that was elected was to have him pursue those within the direction and guidance given by the Board to see if we couldn't perhaps reach agreement on what up to that point in time had been a very controversial subject within among the agencies involved in this program.

28

29 So on the 12th of January of this year the staff committee convened, and I was not present at that session. I'm relying on notes and conversations with other people to understand fully what happened there, but the staff committee felt strongly about several things. One of them was that they wanted to engage the regional councils in discussions of the proposed considerations of factors that had been brought forth by Mr. Boyd. And they also wanted to discuss refining commit to the process for regional council involvement in customary and traditional use determinations.

39

40 We, then, met with the chairs of the individual regional councils on February 13th, the day before the last meeting of this council, and during that conversation or that meeting Sheldon Katchatag, of the Seward Peninsula Regional Advisory Council, made a recommendation on a process which was a slight modification to allow for a public process and implementation of going back and reviewing some 200 or so requests for customary and traditional use determinations that were accumulated during the environmental statement process back in the early 1990s. I think all of the council chairs and

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the staff people that were present at that meeting agreed we could likely implement a process very much like that recommended by Mr. Katchatag on that day. So in a general sense what he recommended was that we engage in a series of subregional meetings, make review on a species by species basis of the uses of subsistence resources in those subregions. And devote some attention to the most long standing uses of those resources.

9
10 One element of that, at least the way I read it, is that he asking that he was asking that we consider the application of Section 804 in advance of any time that it might be applied. So we will be moving ahead on that aspect of the program. I think four of the significant things that came out of that meeting on February 13 was the councils do have -- we've reasserted, in essence, that the councils do have a very strong role in the regulatory processes that engage the Federal Subsistence Board.

19
20 The Board's role is strongly focused on avoiding risks to the resources and they intend to work closely with the councils. There was an understanding, I think, among the council people present that there's no longer a need to fear that precedence established in one region would likely affect the application of this program in other regions. And, lastly, that as with most things in life, nothing in this program is permanent and can be changed over time, whether that's a c&t termination or any other aspect of the regulations. That would require reconsideration at a future date.

30
31 So with that in mind, I'd like to provide at least a -- ask you to provide a brief opportunity for Mr. Boyd to lay out many of the things that he laid out for those regional council chairs on the 13th of February. If we could do that and then we'll be prepared to -- I and my staff will be prepared to work with you to go on through the process of revisiting the customary and traditional use determination recommendations that you previously discussed in an informal session as a council. Thank you.

40
41 MR. EWAN: All right, thank you, Mr. Pospahala. Any objection to having Mr. Boyd up to -- hearing no objection, we'll have Mr. Boyd make his presentation.

44
45 MR. BOYD: Thank you, Mr. Chairman. I'm Tom Boyd with the Bureau of Land Management and I'm a member of the interagency staff committee representing the BLM.

48
49 Mr. Pospahala mentioned that we had had a series of
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discussions regarding the customary and traditional use determination process within the staff committee and the members of the various Federal agencies that represent that staff committee and that there have been diversions of opinion in terms of the general policy and how we were carrying out the c&t process. Resulting, I think, from our experience with working with the Kenai c&t process and some of the other ones that are currently ongoing. And they asked me to come provide an overview and then maybe provide an itemization of some of the general points that we have, at least to this point, come in terms of trying to identify some guiding principles as to where we go from here.

13

14 So what I'd like to do today is just very briefly cover some of the concerns that have arisen from our discussions over the past several months and then lay out some of the guiding principles or concepts that we're currently looking at and provide that as information to you today. I think it's fair to say that there's probably been more discussion and debate over how to approach this issue in terms of the policy we're going to follow of c&t determinations than any other issue that we dealt with. And it been kind of a difficult struggle for us over the past several years, probably I think you recognize that from your work with the Kenai c&t determination process. And, I think, as we move toward developing a recommendation on the staff committee, on the c&t for the Kenai Peninsula, I think some of the old items that created debate among us were resurrected and we began to discuss them anew.

29

30 And the internal debate that we had in discussion by the staff centered around two fundamental views. And I think you can see some of those views are captured in the analysis that was presented to you. But the first view is that the process should be exclusive, sort of a narrow focus in order to protect the subsistence users that may have been perceived as having the most need or the most historical use of the resource. And the second view is that the process should be more inclusive or a broad interpretation in order to insure that all eligible users, under the broadest interpretation of the law, should be included.

41

42 I think it's important to note while these two views were being discussed and debated that there was a very positive intent on both sides and that it was -- everyone was well intended here and that there was a clear desire to insure that all legitimate subsistence uses and users were accommodated in the program. We have established an approach that generally you had already been following, but was captured in a Federal Register Notice dated in July. I think July 15th, 1994. And

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1007 WEST THIRD AVENUE
272-7515

as I said before, as we move towards the finalization of the Kenai c&t determinations, some of the concerns and problems emerged and I think we had to face them.

4

5 I just kind of want to quickly go over some of those
6 concerns and problems that we identified. As we move toward
7 the recommendations of Kenai c&t determination I think we
8 received, it could be said, a fairly strong word of caution
9 from our legal counsel in the Solicitor's office in that
10 because of the way the analysis for the Kenai was structured
11 that determinations evolving from the process could be
12 construed as overly restrictive. For instance, we may exclude
13 some rural communities that would otherwise would be considered
14 eligible under a broader interpretation of the law. I think
15 you can see by some of the policy options that were offered in
16 the early -- in the analysis that was presented to you, you
17 know, a year or so ago, that there was sort of a broad
18 interpretation and a more narrow interpretation.

19

20 We were encouraged by our legal counsel to go back to
21 the basics in Section 805, basically. Our attorney was very
22 concerned that the process be consistent with the intent of
23 section 805, that basically the regional councils make a
24 commendation and that the Board, then, could adopt that
25 commendation unless it was not supported by substantial
26 evidence, violates principles of fish and wildlife conservation
27 would be detrimental to the satisfaction of subsistence
28 uses. I think there was some concern by legal counsel that we
29 may be leaning toward the more restrictive approach in
30 developing a recommendation by the staff committee.

31

32 A second concern or problem was that the process as
33 outlined, as I mentioned before, by the July 1994 Federal
34 Register Notice, requires a lot of steps and a lot of time and
35 may seem somewhat cumbersome, especially when we're trying to
36 integrate the schedule with the usual regional advisory council
37 meeting schedule. We also recognize, at least from an agency
38 standpoint, it was a fairly expensive process and, at least,
39 two or three of the agencies have not been able to come up with
40 the budget or funding to carry on that particular process the
41 way it was structured in that Federal Register Notice in order
42 to have the available staff to do that. So that was a second
43 problem that was identified as we discussed this.

44

45 The third problem was that -- that came out of our
46 discussions was that some of the -- I should say the
47 communities, larger communities, that were mixed culturally and
48 ethnically, we found kind of difficult to handle. And let me
49 just provide an example to give you some understanding of what

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1007 WEST THIRD AVENUE
272-7515

I mean by that. An example could be a rural community that was, say, formally Native community, but because of its geographic location on a road net, or because it became a transportation regional center it was changing. Currently the predominant culture may no longer be Native. However, the Native component of the community may still choose to use fish and wildlife in ways consistent with their culture, but different from the majority within the community. In designing a process for identifying c&t uses and eligibility how do we build in enough flexibility in the policy to consider the subsistence use patterns of the minority segment or should we in all cases? I'm only going to leave that as an open question because we've been wrestling with that.

14

15 MR. EWAN: Excuse me, please. I'm going to turn the Chair over to Mr. Basnar. I have to leave. sorry.

17

18 MR. BOYD: Okay.

19

20 (Mr. Ewan departs)

21

22 MR. BOYD: We're left with the problem of either choosing which culture's use pattern would become the standard or whatever regulation would be developed from it. So it just presents a kind of a dilemma for us. If you go with a minority culture you may create problems in terms of resource use or resource conservation. Or if you go with the majority you may be disenfranchising the minority segment of the community, so there's kind of a problem created by looking at some of these communities.

31

32 The fourth problem that was identified is that if we interpret eligibility too broadly this may lead to a larger number of subsistence users or users in an area. This, in turn, could lead to more competition for resources when and if there is a short supply, which could be construed as a disadvantage to subsistence users that have a longer history of use in an area or a greater dependence on a resource.

39

40 In dealing with these concerns we began looking for some guiding principles, I mentioned these earlier, some concepts. Some that have emerged and that should be considered, that we have been considering and redesigning as it approached. I'm going to kind of list those very quickly for you. It's something you may want to keep in the back of your heads as you deliberate today. I don't want to imply, though, at this point, that these are firmly fixed in our minds. They just emerged in some of our recent meetings as some guiding principles.

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1007 WEST THIRD AVENUE
272-7515

1
 2 The first one is, and this, I think, is a very key
 3 point. Probably the key point that I want to make today. Is
 4 that identification of customary and traditional uses is an
 5 important first step in developing regulations for a given
 6 community, area or unit. It is important that customary and
 7 traditional use patterns of a community or area be identified
 8 and accommodated in the scope of any regulatory program
 9 implemented in Title VIII.

10
 11 By use patterns I mean the whole suite of factors,
 12 including what species -- or what communities hunt; what
 13 species in what areas; how they hunt, what methods, means; how
 14 much is taken: allocation, bag limit, if you want to think in
 15 those terms; and when they hunt; seasons, if you want to think
 16 in those terms. All of that kind of -- and more probably,
 17 forms a use pattern that could be considered customary and
 18 additional. And it is those use patterns that need to be
 19 accommodated in the regulations. All of these factors need to
 20 be understood to the best of our ability and accommodated to
 21 the extent possible in regulation. And by the extent possible,
 22 mean within the limits of insuring the conservation of
 23 healthy wildlife populations.

24
 25 A second principle that we developed was that the
 26 process, and by the process I mean that that's stated in the
 27 January -- excuse me, the July 1994 Federal Register Notice,
 28 should be simplified or streamlined. And one of the things
 29 we're looking at is -- to streamline it is by integrating it
 30 with the Subpart D annual regulatory review process.
 31 Basically, here, proposals requesting changes in current c&t
 32 eligibility determinations would come through the annual
 33 regulatory review process. These proposals would be analyzed
 34 by the regional councils with analytical support or
 35 information, provided by the staff to the regional councils,
 36 and the Board, just as currently done for other regulations,
 37 like seasons and bag limits.

38
 39 The proposal would be, you know, publicized in the
 40 proposal books so that the public would be afforded the
 41 opportunity to review and comment on them. And the councils
 42 would have the benefit of those comments in their meeting, like
 43 this one here today. And I think we would need to keep in mind
 44 very important point here, is that we would need to create an
 45 adequate administrative record that fully supports any
 46 decisions coming out of that process. And I think that falls
 47 on the councils as well as the staff committee and the Board.
 48 You know, we're all kind of locked into this process.

49
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1007 WEST THIRD AVENUE
 272-7515

1 A third guiding principle is that we shouldn't make
 2 dramatic shifts in the current ongoing c&t. Just because we're
 3 thinking about a new process we shouldn't make dramatic shifts
 4 in things that are currently ongoing, like the Kenai c&t. I
 5 think we recognized that, we didn't want to be disruptive given
 6 the investment, in time and effort, by the agencies, the
 7 regional councils and the public. We just need to insure that
 8 the councils -- the regional council's voice is clearly heard
 9 in the process.

10

11 And a forth principle that we're struggling with, I
 12 don't know where we're going to come out on this, but it's
 13 something you may want to keep in the back of you minds and
 14 think about as you deliberate today. And it ties into the
 15 point about these larger mixed communities that I brought up
 16 earlier, we may need to reinterpret what we mean by community,
 17 especially when dealing with these mixed communities. I think
 18 it's possible to identify -- the question is, is it possible to
 19 identify c&t practices for one segment of a community that are
 20 different from another segment? If so, is it possible to
 21 develop regulations that are different to accommodate the
 22 different customs and traditions of those different segments of
 23 the communities?

24

25 What we're looking for is a tool that gives us some
 26 flexibility to make -- you know, to differentiate, based on
 27 custom and tradition. That concludes my remarks, Mr. Chairman.

28

29 MR. BASNAR: Thank you, Mr. Boyd. That's certainly
 30 helps me. I appreciate that. Questions from any of the
 31 council members for Mr. Boyd.

32

33 MR. OSKOLKOFF: Let me just ask one question. During
 34 our deliberations earlier on the subject I was concerned that
 35 we didn't have a very good idea or a common idea of what the
 36 term community meant. Has there been any developments in
 37 defining that or refining that definition that we were using
 38 when we used the -- when the community was used in the eight
 39 criteria that we used in our deliberations before?

40

41 MR. BOYD: I'm not aware of any new developments in
 42 terms of policy. I think what I've tried to share with you is
 43 our own internal discussions about that. And I think we're
 44 trying to look for ways to maybe -- to see if we can redefine
 45 that and, you know, we're asking the questions and studying
 46 some options on that. But to answer your question in short,
 47 no, there are no new developments on that.

48

49 MR. OSKOLKOFF: Okay, thank you.

50

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1007 WEST THIRD AVENUE
 272-7515

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2 MR. BASNAR: Ben, did you have a question?
3
4 MR. ROMIG: No, Bob did.
5
6 MR. BASNAR: Oh, I'm sorry.
7
8 MR. HENRICHS: Yeah, I just curious here. You're
talking about maybe a Native community that was surrounded by
white people over the years and you mentioned there might be a
way where you would have two different standards applied to
that, one for the Natives in the community and one for the rest
of them?
14
15 MR. BOYD: I think as we looked at the idea of trying
16, as I made in my first point, accommodate customary and
17 additional uses, if that's what we striving to do, you know,
18 accommodate those uses in regulation. And if you had a
19 community that, perhaps, had two different ethnically and
20 culturally different segments in that community they may, I
21 don't know, they may have different patterns of use. And so
22 we're looking for a way of how you might want to accommodate
23 those different patterns of use in regulation. And is it
24 possible or is wise to do that? Is it prudent and, you know,
25 we don't know the answers to some of those later questions.
26 There may be reasons why a council would not want to consider a
27 recommendation like that. Or there may be good reasons to
28 consider a recommendation like that. But we're looking for
29 ways that we can define what it means by community and maybe
30 try to accommodate the difference, if they, in fact, do exists.
31
32 I'm not sure I answered your question, Mr. Henrichs.
33
34 MR. HENRICHS: Don't they do it already with sea otters
35 and seals and stuff; walruses?
36
37 MR. BOYD: For those resources, I think those fall
38 under different regulation, other than the regulations
39 administered under Title VII of ANILCA, they fall under
40 different laws and mandates, like the Marine Mammal Protection
41 Act, I believe. So, yeah, there's clear difference there, but
42 because of different laws.
43
44 MR. HENRICHS: Yeah, so there is a precedent then.
45
46 MR. BOYD: In terms of accommodating the uses of those
47 particular resources there is a difference. I don't know if it
48 really constitutes a precedent for what I'm suggesting.
49
50

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1007 WEST THIRD AVENUE
272-7515

1 MR. BASNAR: Anyone else; any other questions? Thank
 2 you, Tom.

3
 4 MR. BOYD: Thank you, sir.
 5

6 MR. BASNAR: Some people have arrived since we opened
 7 the meeting. I would like to let you know there are some
 8 sign-in sheets on the back table and if anyone, a member of the
 9 public, anyone at all, would like to present any testimony,
 10 discussion, before the Council there are sheets back there. If
 11 you would fill those out, give them to Mr. Dirks, he'll see
 12 that we get them and we'll see that you get an opportunity to
 13 be heard.

14
 15 There are a couple more seats up front here,
 16 Mr. Spraker, there's a seat here if you'd like to sit. Get the
 17 biologist up here where we can keep him under close scrutiny.

18
 19 Okay. As Chairman Ewan mentioned earlier, we need to
 20 revisit, to some degree, the Kenai Peninsula c&t findings and
 21 recommendations that this Council discussed a year ago in
 22 January in a non-public work session, an informative session.
 23 We long, hard and diligently, came up with some conclusions and
 24 recommendations and at this point we need to build a record to
 25 forward these recommendations to the Subsistence Board, so that
 26 they will know what our intent was when we developed these
 27 recommendations.

28
 29 So at this point we would move to the old draft book,
 30 we'll be working out of the green book, if any of the public
 31 wants to follow along. And in discussing the various
 32 alternatives, that were Alternatives A, B, and C in this book.
 33 One being quite liberal in its interpretation; one being
 34 middle of the road; and one being quite restrictive. We did a
 35 lot of discussion, we can't possibly go back and revisit this
 36 word by word for what we did over a year ago, but I would like
 37 to have the staff help us out in this matter and give a brief
 38 summary of our discussions, if they would. And I think Taylor
 39 Breilsford is available to do that for us. And then we may
 40 interrupt you, Taylor, and jump back in, but we'll start the
 41 process this way and see how well it works. If it works fine,
 42 we'll continue with it.

43
 44 MR. BRELSFORD: Okay.
 45

46 MR. BASNAR: Does any member have any questions of
 47 where we're headed at this point?

48
 49 Okay, Taylor.
 50

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1007 WEST THIRD AVENUE
 272-7515

1
2 MR. BRELSFORD: Thank you very much, Mr. Chairman. I
3 think to facilitate our discussions, rather than going back to
4 all three alternatives our focus is really on the Council's
5 recommendations, and those are characterized in a paper that's
6 available in the back, in case the public might like to watch.
7 The heading at the top reads: "Southcentral Alaska
8 Subsistence Regional Advisory Council, Review Comments on Kenai
9 Peninsula C&T DRAFT policy Options and Proposed Conclusions".
10 The date is January 28th, 1994. This is an effort to tie
11 together the information from our meeting just a little over a
12 year ago. So the version that we'll be working through is
13 found on the table in the back of the room on the left hand
14 side.

15
16 I think what we've proposed to do to facilitate the
17 Council's recommendations and to insure that the Board has a
18 full understanding of your intentions is to go as quickly as we
19 can through each unit and each species and, again, all of the
20 documentation before you has been organized around the
21 recommendations, the review comments that the Council offered
22 this meeting in January, so as you glance through it you'll
23 quickly notice that there's two type styles, two forms of
24 printout.

25
26 The one is the rationale statement from the staff
27 documentation from the existing documents. This was the
28 version that you all worked with last January and where you
29 added or deleted communities, that earlier documentation was
30 modified to reflect your changes. Immediately following that
31 each section are the actual minutes; the specific points of
32 discussion that you raised in our information session in
33 January 28th. So I think what we'll propose here is simply to
34 summarize. For example, Unit 7 moose, very quickly. And,
35 perhaps, if there are comments from the public you may want to
36 entertain those briefly. And finally if you have changes or
37 additional points that would assist the Board in understanding
38 when the Council may offer those up. And perhaps on each of
39 these we can conclude with a motion by a Council member
40 adopting a recommendation in this meeting where we do have the
41 appropriate public notice and public participation.

42
43 So with that by way of introduction, why don't we
44 proceed, then, to Unit 7 moose. The review suggestion from the
45 Regional Council was that the residents of Hope, Cooper Landing
46 and Whittier would have customary and traditional use,
47 therefore, subsistence eligibility in Unit 7 for moose.

48
49 I neglected one additional reference material in this
50

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1007 WEST THIRD AVENUE
272-7515

little packet. The back page is a map of the Kenai Peninsula, Units 7 and 15. And by the shading, and so on, you'll see the Federal public lands and the unit boundaries, the management unit boundaries, so for some of us who didn't grow up on the Peninsula and need to refresh ourselves on the units, those are available to you there.

7

8 Essentially the rationale statement for the residents
9 of Hope, Cooper Landing and Whittier refers to the historic use
10 of that resource as was documented in existing literature.
11 Some of that stems from some community studies that were
12 conducted by the Alaska Department of Fish & Game, Division of
13 Subsistence in the 1990s. And much of it is reinforced by
14 harvest ticket reports that are compiled by the Alaska
15 Department of Fish & Game, and they cover a lengthier period.
16 In our information here the harvest ticket data generally
17 covers the period 1983 to 1991.

18

19 There's a brief mention of the fact that Seldovia
20 residents do show up as harvesting moose in Unit 7, but in a
21 very, very small proportion, and in your deliberations, your
22 discussions earlier, you felt that was kind of a non-local and
23 incidental harvest, so the community of Seldovia is not
24 included in your recommended eligibility.

25 Turning to the minutes and your discussions. Let me
26 try to remember, quickly, what -- some of the minutes turn on
27 this question of how Seldovia would be treated, the distance
28 and the incidental nature of that harvest. And some of the
29 discussion turned on the situation or focus on the situation in
30 Whittier. And I think essentially what you settled on was that
31 the historic and temporary use of that resource in that area
32 was documented for these three communities and your motion was
33 made to that effect.

34

35 So perhaps that's a sufficient summary, we could
36 proceed with public discussion, if need be, or additional
37 Council point, if needed.

38

39 MR. BASNAR: Does any member of the public wish to
40 present any testimony to the Council on the customary and
41 traditional use of moose in Unit 7 on the Kenai Peninsula?

42

43 Okay, I don't see anybody charging up to the table. If
44 anytime you would like to present some testimony, make sure
45 you let us know, we'd like to hear it. Based on Taylor's
46 summary of this C&T finding, does any of the Council members
47 have a comment at this point? Ralph.

48

49 MR. LOHSE: Yeah, Lee, I'd like to make a couple of

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1007 WEST THIRD AVENUE
272-7515

Comments. Just as this is the start of our deliberation I'd like to go over a few things that we discussed in our first meeting.

4

5 Number one, we're not making a decision as to whether a
6 community is rural or non-rural, those decisions have already
7 been made, that was out of our scope. Number two, we were
8 dealing within the limitations of ANILCA, which basically said
9 that we had to find customary and traditional for rural and
10 non-rural Native and non-Native people. Number three, we only
11 dealt with Federal land. The decisions that we made don't say
12 are not a judgment as to whether somebody uses a certain
13 species or not, it's just that whether they use it on the
14 available Federal land.

15

16 And one of the things that we brought up is the same
17 thing that Clare Swan brought, we did concentrate on the
18 economy of effort. The idea that it had to be a reasonable use
19 of subsistence, which is why the Seldovia one that was just
20 mentioned, involved the fact that it was so far and so rare.

21

22 MR. BASNAR: Thank you, Ralph, I think those are good
23 points. Gary.

24

25 MR. OSKOLKOFF: Taylor, in our discussions with regard
26 community, I should say I'm just unsettled with a question
27 that I'm having. Is there a map which would define (ph) a
28 community? And to get a little bit off the particular unit
29 that we're working on, to give an example that would define the
30 delineation of those people who live in the community of
31 Ninilchik and those people who live in the Homer Rural Area or
32 here, I guess it's listed as the Kenai Rural Area. Has any work
33 been done on that, to your knowledge, to try and define that?

34

35 MR. BRELSFORD: There have been no additional mapping
36 exercises. The map boundaries of the non-rural communities on
37 the Kenai Peninsula, this would be Seward to Moose Pass, Kenai,
38 Soldotna and the Homer area, Homer proper, the City of Homer,
39 roughly. Those map boundaries have been delineated and, in
40 fact, we brought some copies of those maps for (indiscernible -
41 though) purposes today. I think, basically, there has been
42 enough unsettled discussion about the Kenai c&t approach that
43 we have not had a chance to consult with the Council members
44 and their understanding of the functional communities, how the
45 communities genuinely clustered. And we haven't, as a staff, I
46 think, felt comfortable getting out front on what the
47 visions, what the meaningful boundaries are between
48 communities on the Kenai Peninsula, so the simple answer is,
49 A0. We would need to do that as a matter of implementing this

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1007 WEST THIRD AVENUE
272-7515

decision, we would need some advice and, I think, so staff work to delineate specifically the boundaries that would constitute residence in a community.

4

5 As we discussed before, there are many alternatives, is it, you know, where people attend school; is it where they get their mail; is it census designations; census unit designations? On a road connected region how people identify themselves as to their residence is somewhat flexible and, I think, we're going to need some help to do that in a thoughtful way.

12

13 MR. BASNAR: Okay. Well, Gary, I think we need to bring that up when we get to that portion of the discussion down in 15, if you want to specifically address Homer and Nenilchik.

17

18 MR. OSKOLKOFF: Well, I

19

20 MR. BASNAR: We're now in 7 on moose and this does come up further on. If we start to shift around, I'm afraid we'll miss something, but if you've got something in particular that pertains to all of our discussion then by all means.

24

25 MR. OSKOLKOFF: And I think that's what I'm trying to get to, is I'm having some difficulty, I guess, coalescing my thoughts down to something that is a rationale position to take with regard to how I define the characteristics of a community after it's been over a year, now, since our deliberations on this issue and I still have -- I'm still wrestling with limited facts that I have in order to make some type of decision on that. And I guess my -- the question that I would like to ask now, and maybe it'll help me clarify what I'm thinking on is, whose responsibility will that be? Will that be the Subsistence Board's responsibility to delineate between those communities?

37

38 MR. BASNAR: Excuse me, Taylor. I'd like to make a comment before you answer his question.

40

41 At this point I think we've evolved from where we were 42 years ago. To the fact that whatever we want, we, the Council, based upon our input from the public and based upon our knowledge of local conditions and past customary and additional uses, I think it's incumbent on us now to tell the Board what we want and where we think the boundaries should be drawn if we don't like them the way they are. Rather than asking, it's up to us to tell. So within that framework I think we can proceed, but I don't think we're going to ask

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1007 WEST THIRD AVENUE
272-7515

anymore, I think we want to just proceed the way we things ought to be. That's what they're looking for, they're looking for input from us, we're the experts, we're the people that live there and work there and eat there.

5

6 Taylor.

7

8 MR. BRELSFORD: I think your point is very well taken, Mr. Chair. Gary, it is, of course, a fact that the Board makes binding determinations, binding decisions on all of these aspects. None of us, neither the councils, the staff, the staff committees, only the Board makes final decisions regarding the Federal Subsistence Program and they operate on the delegated authority of the Secretary of the Interior, so in a simple sense, the answer is clear, that it's the Board that makes the determination. What they benefit from is knowledgeable input from the councils and analysis from the historic literature where that's pertinent.

19

20 So, I think, perhaps in this particular instance we have a Council member who's from one of the northern tier communities, Whittier, Hope, Cooper Landing, and perhaps you could indicate for us if there's a problem in understanding residency among those three communities, maybe you can help us clarify that, Ben, and, if not, maybe the difficult decisions really arise when we get a little further to the south.

27

28 MR. BASNAR: Well, at this point we need to determine we, the Council, need to determine do we want to crank in this additional problem for the day. And, if so, we'll certainly do it.

32

33 MR. OSKOLKOFF: Mr. Chairman, I want to thank Mr. Brelsford for his information, it is shedding a little light on my thinking and I would like to thank the Chairman and the other members here for their indulgence on that question. And with that, I would agree that we should proceed on the course that we set for the agenda.

39

40 MR. BASNAR: Okay. Ben, did you have some comments in response to Taylor's

42

43 MR. ROMIG: Well, he had -- was he talking about residence or was he talking about these lines that they have drawn here?

46

47 MR. BRELSFORD: It's about where the community -- how would people understand the residence of Hope or the residence of Cooper Landing, are those recognizable quantities among

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1007 WEST THIRD AVENUE
272-7515

people on the Kenai Peninsula? Or do we need to be more specific and lay out mile posts along the road or something of that sort?

4

5 MR. ROMIG: Well, this is a pretty broad area here and
6 don't have a problem with that, this figure map I-4.

7

8 MR. BASNAR: I can't hear you, Ben. Would you say that
9 again, please?

10

11 MR. ROMIG: This map I-4 here it covers a pretty broad
12 area, I don't have a problem with that.

13

14 MR. BASNAR: Okay. Let's proceed then on Unit 7 moose.
15 I think it's appropriate at this point to entertain a motion
16 that we either adopt or not adopt the work that we performed a
17 year ago in January.

18

19 Council? Does anyone want to make a motion on Unit 7
20 customary and traditional finding of moose.

21

22 MR. ROMIG: I'd move that we adopt customary and
23 traditional finding for Hope, Cooper Landing and Whittier.

24

25 MR. BASNAR: Do I have a second?

26

27 MR. OSKOLKOFF: Second.

28

29 MR. BASNAR: Okay, any further discussion on the
30 motion? Yes, Ralph.

31

32 MR. LOHSE: I'd like to define (ph) that to on Federal
33 land in Unit 7.

34

35 MR. BASNAR: Ralph has a good point. We are discussing
36 Federal lands only, so that if anyone in the public thinks
37 we're discussing the entire State of Alaska or the entire Kenai
38 Peninsula, that is not true. Our mission deals only with
39 Federal lands, federally administered lands. Good point,
40 Ralph, thank you.

41

42 MR. LOHSE: In Unit 7.

43

44 MR. BASNAR: In Unit 7. Okay, any other discussion?

45

46 MR. JOHN: I'd just like to know about Seldovia and
47 Indiscernible - away from a mic)

48

49 COURT REPORTER: I didn't hear that, Mr. Chairman.

50

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1007 WEST THIRD AVENUE
272-7515

1
2 MR. BASNAR: He couldn't hear you, Fred, could you
3 speak into your mic?

4
5 MR. JOHN: Yeah, I kind of -- I don't remember why we
6 -- I think we -- Seldovia didn't utilize it from what
7 information we had they didn't utilize that area of Unit 7 for
8 moose, so we didn't vote for Seldovia being in on what Hope,
9 Cooper Landing and Whittier.

10
11 MR. BASNAR: We found that the take by Seldovia was
12 incidental and was not an important factor in the use of moose
13 in their village, as I recall. Is that right, Taylor?

14
15 MR. BRELSFORD: I think

16
17 MR. BASNAR: Gary.

18
19 MR. OSKOLKOFF: I'd just like to ask the Chairman. I
20 believe we have someone from Seldovia here, I would curious if
21 they would be willing to offer comment on that.

22
23 MR. BASNAR: Is there anyone from Seldovia present?
24 Would you like to comment, sir? If so, please come forward so
25 we can get you on the record. And if you would state your
26 name, please?

27
28 MR. GRANDE: I'm Chris Grande, I've lived in Seldovia
29 five years and as far as hunting in Area 7, I know of nobody
30 that hunts moose in Area 7, so I don't see why that's necessary
31 to include them in that.

32
33 MR. BASNAR: Thank you very much.

34
35 MR. GRANDE: Thank you and you're welcome.

36
37 MR. BASNAR: It's always nice to have our opinions
38 reinforced.

39
40 Okay, any further discussion on the motion?

41
42 MR. OSKOLKOFF: Call for the question.

43
44 MR. BASNAR: Question has been called. All those in
45 favor say aye.

46
47 IN UNISON: Aye.

48
49 MR. BASNAR: Those opposed.

50

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1007 WEST THIRD AVENUE
272-7515

1
2 (No opposing votes)

3
4 MR. BASNAR: Motion carries unanimously.

5
6 Now, we'll move on to the discussion of c&t for caribou
7 in Unit 7.

8
9 MR. BRELSFORD: Thank you, Mr. Chairman. The
10 suggestion from the Regional Council was that the residents of
11 Hope and Cooper Landing would be recognized as having customary
12 and traditional uses of caribou in Unit 7. The rationale
13 statement points out that there are long standing aboriginal
14 traditions of hunting caribou in this area and that caribou
15 were harvested by settlers in the early part of this century,
16 including by residents of Hope and what later became Cooper
17 Landing.

18
19 The situation with caribou is somewhat unique among
20 large mammal species in that the species was extirpated or
21 disappeared from the Kenai Peninsula somewhere in the 1910 to
22 I believe it was 1917 the last report. And then
23 reintroduced after the mid '60s. Some small permit hunts have
24 been provided on the reintroduced caribou herds on the Kenai
25 Peninsula since that time. The basic information provided to
26 you was taken from harvest permits, permit hunt reports and
27 indicated that Hope and Cooper Landing residents had
28 participated in those hunts since the 1980s in this information
29 and had been successful in harvesting caribou in those
30 permanent hunts.

31
32 In the discussion from the Council, at the time, there
33 was some concern that other communities might have tried, but
34 had, perhaps, been unsuccessful in obtaining permits. And I
35 think we were not able to exclude that possibility. The permit
36 information that we tried to check on that day was not sorted
37 by residence, so we were not certain of unsuccessful
38 applicants, that is people from other communities that might
39 have tried, but not been successful.

40
41 The Council entertained some discussion of the
42 situation regarding Whittier, which would be neighboring to
43 this area, but had not shown up with a recent history of use of
44 caribou. And on that point there was one comment offered that
45 the longevity, the period of time of time in which a community
46 would establish a long term pattern, historic pattern, might be
47 as long as 50 years. I don't think there was any final
48 conclusion on that point, but this was the discussion.

49
50

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272-7515

1 And finally the Council moved to recognize the c&t uses
2 of Hope and Cooper Landing for caribou in Unit 7.

3

4 MR. BASNAR: Thank you, Taylor. I recall that
5 discussion. Perhaps we need to flush that out a little bit for
6 the Board's edification when they review our recommendations.
7 We did have some discussion as to Whittier being a new
8 community. New being defined as, I guess, World War II when
9 Whittier came into existence. And Mr. Lohse, as I recall, the
10 minutes state, his wife's parents moved to Cordova in 1945.
11 There was some discussion as to how far back do you have to go
12 to have customary and traditional use? I mean, what about his
13 children in the future? How many generations do you have to go
14 back? That's a very difficult thing for us to wrestle with.

15

16 And we didn't come to any specific conclusion, but I
17 think we generally agreed that 50 years certainly seemed to be
18 a reasonable amount of time to establish c&t, based upon the
19 original use of 10,000 years, probably that's just a half a
20 second, but nevertheless, evolution marches on.

21

22 Is there someone else that would like to comment on
23 this, for the record; for the Board? Gary, do you have any
24 comments?

25

26 MR. OSKOLKOFF: No, no, Mr. Chairman, no.

27

28 MR. BASNAR: Ralph.

29

30 MR. LOHSE: Well, one of the things that -- in these
31 units that we have in front of us, it looks like we set a time
32 period. Basically we weren't trying to set a time period as
33 much as we were trying to show the idea that customary and
34 additional passes down from one generation to the next. An
35 illustration that was use, which was my family, was that fact
36 that basically, in this case, we were already into the third
37 generation, which doesn't necessarily mean that a community
38 like Whittier would be in the same basis just because they had
39 been there for 50 years. If they couldn't show this passing
40 down from generation to generation, which is part of the
41 customary and traditional, so it's not so much the time as the
42 passing of knowledge and use patterns.

43

44 MR. BASNAR: Thank you, Ralph. I think that is
45 important we don't draw too tight a fence around either time or
46 community boundaries. There has to be some flexibility in the
47 system.

48

49 Is there any other comments? Questions for Taylor on

50

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1007 WEST THIRD AVENUE
272-7515

caribou, Unit 7, residents of Hope and Cooper Landing?
 Entertain a motion.

3

4 MR. OSKOLKOFF: Mr. Chairman, I'll make a motion for a
 finding of customary and traditional use in the communities of
 Hope and Cooper Landing on Federal lands in Unit 7.

7

8 MR. JOHN: I second it.

9

10 MR. BASNAR: Motion has been made and seconded it for
 caribou, Unit 7, residents of Hope and Cooper Landing. Any
 further discussion on the question? All those in favor of the
 motion signify by saying aye.

14

15 IN UNISON: Aye.

16

17 MR. BASNAR: Those opposed.

18

19 (No opposing votes)

20

21 MR. BASNAR: Motion carries. Unit 7 sheep, residents
 of Hope, Cooper Landing and Ninilchik. Taylor.

23

24 MR. BRELSFORD: Thank you, Mr. Chair. The rationale in
 this instance touched on several points. Again, that there
 were aboriginal sheep hunting practices in the northern portion
 of the Kenai Peninsula. That early in the historic period, the
 turn of the century, the settlers on the Kenai Peninsula
 included sheep in the species that they harvested locally. And
 finally more recently, sheep continue to be harvested by Hope
 and Cooper Landing residents, although, in somewhat small
 numbers. The species are indicated on the basis of harvest
 tickets.

34

35 In the case of Ninilchik, it's pointed out that some
 Ninilchik residents descend from the aboriginal pattern of
 sheep harvest and the information on the contemporary period is
 somewhat mixed. The community studies and a set of interviews
 did not identify sheep as a contemporary harvest activity.
 However, harvest tickets did indicate that use. Maps were
 available to verify, to document, the use areas for sheep
 hunting by Hope and Cooper Landing residents and they include
 this area.

44

45 And then there was a somewhat extended discussion by
 the Council members on this point, on this item. What I
 remember from it, without trying to read every sentence, was
 that the discussion about the aboriginal use pattern that was
 offered on the basis of personal knowledge from one of the

50

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1007 WEST THIRD AVENUE
 272-7515

Council members, so that the long standing historic pattern of Kenaitze People, or in this instance, people from the community of Ninilchik traveling around the north side of the Kenai Peninsula in Turnagain Arm was described for the benefit of the Council and, I think, generally adopted as being significant. And that was the rationale for adding Ninilchik to this finding on this species in Unit 7.

8

9 There was a fairly lengthy discussion about the status of the Homer Rural Area and, in this case, we're talking about some of the areas north of Anchor Point. The original staff material, Mr. Chair, had identified Homer area residents as harvesting sheep in Unit 7, the permits -- the harvest tickets indicated that this was the case. And the Council discussed this at some length and talked about the character, the historic character or continuity of residents for this cluster of communities north of Homer, Anchor Point. And it would be, then, kind of an arc further out Kachemak Bay, including Fritz Creek and areas to the -- I can't believe my geography is breaking down -- to the east of Homer itself. Those are the communities that we had talked about at the Homer Rural Area. And your discussion turned on some aspects having to do with the recent population growth in that area, that those are essentially residential communities that have grown out of Homer proper. And broadly speaking, for that reason the Council was not persuaded that there was a long standing historic pattern by the residents of Homer Rural Area to harvest sheep up in Unit 7 and they were not included in your final commendation.

30

31 So, I believe, that's a quick summary that touches on the main points.

33

34 MR. BASNAR: Okay, thank you, Taylor. Yeah, I think we probably spent an hour and a half discussing this one at the original meeting.

37

38 I think it's important that the Board review our original minutes on this issue, so they'll know that we did discuss in this in detail, particularly in terms of people moving a long distance to hunt an animal which is more or less an incidental take as part of, perhaps, a different type of hunt, i.e., the people from Ninilchik, according to M. Oskolkoff, used to go by boat up Cook Inlet on into Turnagain Arm and probably harvest moose, salmon and accidentally goat and sheep during the process and probably camped out up there for the summer. Have I summarized your comments fairly well, Gary?

49

50

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1007 WEST THIRD AVENUE
272-7515

1 MR. OSKOLKOFF: Fairly well, yes.

2

3 MR. BASNAR: Okay. And I think that's important
 4 because this is not well documented in recent harvest tickets,
 5 but it certainly documented in the Ninilchik Tribal Council
 6 memories. And we use those extensively in our deliberations on
 7 the Kenai.

8

9 MR. OSKOLKOFF: Mr. Chairman.

10

11 MR. BASNAR: Yes, Gary.

12

13 MR. OSKOLKOFF: I think we also -- to help enlighten
 14 the Board, we -- I would like to offer some information from my
 15 perspective on the Homer and Kenai Rural Areas and our
 16 discussions that we had in regards to those. Just briefly
 17 there was quite a bit of discussion in regards to if it's some
 18 area as opposed to a community how do you define the customs
 19 and traditions of that community. And, therefore, the
 20 hesitiveness of an area is somewhat at odds with the notion of
 21 the cohesiveness of a community and, therefore, we had a much
 22 more difficult time in defining characteristics of an area as
 23 opposed to the communities which are named in our
 24 deliberations.

25

26 I think I'll leave my comments at that.

27

28 MR. BASNAR: Okay, thank you, Gary. Any other
 29 comments, Council members? Entertain a motion on sheep, Unit 7
 30 for Hope, Cooper Landing and Ninilchik.

31

32 MR. ROMIG: I'd like to make a motion that we adopt a
 33 c&t finding for Hope, Cooper Landing and Ninilchik for sheep on
 34 federal land in Unit 7.

35

36 MR. BASNAR: Do we have a second?

37

38 MR. OSKOLKOFF: Second the motion.

39

40 MR. BASNAR: We have a motion find in favor of c&t for
 41 sheep, Hope, Cooper Landing and Ninilchik, Unit 7. Any further
 42 discussion on the motion?

43

44 MR. OSKOLKOFF: Question.

45

46 MR. BASNAR: Question has been called. All in favor
 47 aye.

48

49 IN UNISON: Aye.

50

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1007 WEST THIRD AVENUE
 272-7515

1
2 MR. BASNAR: Those opposed.
3
4 (No opposing votes)
5
6 MR. BASNAR: Motion carries. We'll take a 10 minute
7 Break.
8
9 (Off record)
10
11 (On record)
12
13 MR. BASNAR: Meeting will come to order, please. We'll
14 continue with the c&t discussion on the Kenai with goats in
15 Unit 7, residents of Hope, Cooper Landing and Ninilchik.
16 Taylor.
17
18 MR. BRELSFORD: Thank you, Mr, Chairman. The rationale
19 statement before you on this item is essentially the same as
20 was the case for sheep in Unit 7, that is to say that there's
21 an aboriginal pattern of goat harvest in this region. Hope and
22 Cooper Landing are areas where settlers resided in the early
23 part of this century and are documented as having used goats.
24
25 In the contemporary period, community studies and
26 harvest tickets indicate harvest levels, relatively modest
27 numbers, for those two communities. The uses of Hope and
28 Cooper Landing are further documented by the maps that were
29 prepared in the communities studies by ADF&G, Division of
30 Subsistence.
31
32 In the case of Ninilchik, you're primary information
33 came in the Council members discussion and there were several
34 points that were raised in the minutes. Moving quickly though
35 those; Mr. Romig pointed out some key information about the
36 population status of goats and, therefore, the availability or
37 lack of availability during the 1960s. Subsequently there was
38 discussion of the status of use of goats by Whittier and the
39 Council was not persuaded by the idea that in the aboriginal
40 period there had been trade occurring in the Whittier area,
41 you, the Council, did not find that sufficient reason to extent
42 customary and traditional recognition to uses by Whittier.
43
44 Turning to Page 9, there's a somewhat lengthy
45 discussion about the situation for the community of Ninilchik,
46 the Alaska Native community there and, in effect, you were
47 offered information about the aboriginal patterns, the
48 aboriginal cultural traditions of members of the Ninilchik
49 Traditional Council utilizing goat in Unit 7 and that was
50

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1007 WEST THIRD AVENUE
272-7515

considered sufficient to bring a recommendation or suggestion that Ninilchik be included in this.

3

4 So the final motion was to -- actually it came in several motions. First, to recognize the c&t uses of Hope and Cooper Landing; then to add Ninilchik separately; and on two occasions you considered the circumstances of Whittier and in both instances declined to include Whittier among the communities. So the end result was that for goat in Unit 7 you have Hope, Cooper Landing and Ninilchik as your suggestion at this point for the Board consideration.

12

13 MR. BASNAR: Okay, thank you. I would like to direct the Board to our minutes of this January meeting a year ago to get a better handle on exactly where we were coming from. We can't go through all of that discussion again today, but that's an important part of our deliberation and it should be an important part of the Board's deliberations and would strongly suggest that they take a look at our discussion.

20

21 Council member, comments?

22

23 MR. LOHSE: I move we find a c&t finding for Hope and Cooper Landing and Ninilchik in Unit 7 for goats. On Federal land in Unit 7 for goats.

26

27 MR. ROMIG: I'll second that motion.

28

29 MR. BASNAR: We have a motion and a second. Discussion. I think it's important that we point out here that Whittier was discussed in great detail, great length. The people in Whittier have a mountain right behind them with goats on the mountain. Some Council members felt that that was probably a part of their history, even though they only go back to World War II, but nevertheless, the Council finally decided to delete Whittier. But this was not done arbitrarily, it was done with serious consideration, lengthy discussion.

38

39 Council members, any other discussion on that proposal?

40

41 MR. OSKOLKOFF: Call for the question.

42

43 MR. BASNAR: Ralph, did you have a question?

44

45 MR. LOHSE: Oh, no.

46

47 MR. BASNAR: Question has been called. All those in favor say aye.

49

50

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1007 WEST THIRD AVENUE
272-7515

1 IN UNISON: Aye.

2

3 MR. BASNAR: Those opposed.

4

5 (No opposing votes)

6

7 MR. BASNAR: Motion carries. Unit 7 black bear for
8 residents of Hope, Cooper Landing, Ninilchik. Taylor.

9

10 MR. BRELSFORD: Thank you, Mr. Chairman. The
11 suggestion of the Council in the January meeting was that the
12 residents of Hope, Cooper Landing and Ninilchik would be
13 recognized as having customary and traditional uses of black
14 bear in Unit 7.

15

16 The rationale statement touches on the aboriginal
17 period in which bear hunting was present in this area, followed
18 by the early historic period, the homesteading era from the
19 190s through the '50s in which use of black bears is documented
20 for Hope and Cooper Landing, although there was little specific
21 information for Whittier.

22

23 For the contemporary period, harvest tickets and the
24 communities studies documented uses by Hope and Cooper Landing,
25 including the mapped information that was provided by the
26 Division of Subsistence.

27

28 In the Council minutes -- pardon me, Council
29 discussions, there was merely the motion and, in effect,
30 endorsing the documentation that had been summarized to you at
31 that time. Our records, mine and Helga's minutes, from the
32 meeting were a little uncertain on the matter of the status of
33 Ninilchik and their uses of black bear in Unit 7. In the
34 matrix table that we had drawn up shortly after the Council
35 meeting we show Ninilchik -- we understood that the Council had
36 moved to include Ninilchik, but neither Helga's nor my minutes
37 indicated that. So I think we'll need to ask you to reeducate
38 on what the Council did on that specific point.

39

40 And I think with that I'll turn it over to you.

41

42 MR. BASNAR: Okay. It's my recollection that we did
43 include Ninilchik. Gary, do you have a recollection on that?

44

45 MR. OSKOLKOFF: I'm trying to -- I have the matrix in
46 front of me and what little minutes we have and I'm trying to
47 remember our discussion on that. I, frankly, can't recall the
48 discussion, but I believe we considered black bear right in the
49 same type of setting that we considered the sheep and goats in

50

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1007 WEST THIRD AVENUE
272-7515

that it was ancillary to the aboriginal use patterns at the time and -- but, like I say, I have no documentation to further back that up.

4

5 MR. BASNAR: Well, we can certainly open it up again. What about your aboriginal background? Your knowledge of it from Ninilchik?

8

9 MR. OSKOLKOFF: In recent months I've tried to extract more direct testimony, if you will, from elders in the community with regard to use in areas outside of directly what would be considered the community of Ninilchik. And I am somewhat reluctant to say that I have information that these takes of black bear were much rarer than the takes of goats and sheep, but they were done in a similar fashion, for a similar reason. That they were part of an overall use of or traveling to other areas.

18

19 MR. BASNAR: Are you saying it's an incidental take as far another hunt, perhaps?

21

22 MR. OSKOLKOFF: Yes, that's exactly what I'm saying, is that the harvest of some of the animals, as we stressed in our previous minutes, were incidental to, basically, existing during time away from their home and community and, therefore, the memories are of that nature. They're not of a specific hunt for black bear in that area. And I must say that they are more rare now that I have discussed further than the goat and the sheep.

30

31 MR. BASNAR: Ralph.

32

33 MR. LOHSE: Gary, could I ask you a question? Was black bear considered even a preferred food in -- I mean, was -- I know that certain areas in the state bear was considered not a viable food, other areas it was. In your area, was black bear considered a viable food product?

38

39 MR. OSKOLKOFF: I think that that discussion could get into a lot of detail with people who use it more readily, but essentially that those -- black bear would be taken accidentally in that particular area. And more likely to be taken as a food source nearer one's residence because of the nature of the animal.

45

46 MS. SWAN: Mr. Chairman.

47

48 MR. BASNAR: Yes, Clare. Would you come up here, please, we can't hear you for the record. Thank you.

50

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1007 WEST THIRD AVENUE
272-7515

1
2 MS. SWAN: In a 1981 study that we did on subsistence
3 on the Kenai Peninsula, black bear, indeed, was used as a food
4 source primarily before they started eating fish in the late
5 summer, but brown bear was not eaten. I don't know of anybody
6 in our people who like those, but I know that black bear was
7 used. It was not used as frequently as other foods, but we --
8 we just happened to bring the study with us and checked it out.
9 Thank you.

10
11 MR. BASNAR: Don't go away because I have a question.
12 Thank you for the input on the black bear for food. My
13 question to you now is, would the people of your tribe had
14 traveled up to Unit 7, what is now Unit 7, to have hunted black
15 bear?

16
17 MS. SWAN: I need to ask James Showalter 'cause he's
18 the hunter.

19
20 MR. BASNAR: Mr. Showalter, would you come up and talk
21 to us?

22
23 MS. SWAN: He says, no.

24
25 MR. BASNAR: Okay. Well, he doesn't have to. But that
26 is an important consideration for us because the odd bear that
27 was killed one time or another over several hundred years does
28 not, in my mind, constitute customary and traditional use in
29 that particular geographical area. So that's where I'm trying
30 to get a handle.

31
32 MS. SWAN: Yes, I know. I think that in list it says
33 that they're used, but they're used not as frequently. It's on
34 the use pattern that's infrequent. They didn't just go out and
35 but they did eat them at some time in the year.

36
37 MR. BASNAR: And you're referring to -- we'll get back
38 to your word, local, again. Right around your village area
39 probably.

40
41 MS. SWAN: Yeah. You're going to keep fooling around
42 with that word until you drag it in, aren't you? Everybody
43 knows it's more trouble. You know, local is a relative thing,
44 isn't like distance, it's like how far is it to Soldotna when
45 there was no road in winter or summer?

46
47 MR. BASNAR: That's right.

48
49 MS. SWAN: Thank you.

50

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1007 WEST THIRD AVENUE
272-7515

1
2 MR. BASNAR: Thank you. Any other Council members have
3 some thoughts on black bear use in Unit 7 by Ninilchik? Ralph.
4

5 MR. LOHSE: Not on Ninilchik. I was -- I can
6 understand what Gary is talking about opportunistic take of
7 black bear. For one think black bear doesn't transport like
8 goat or sheep or caribou, the meat doesn't keep in the same
9 way. And so, consequently, you have more of a tendency to take
10 close to where you can handle it. But what I'm wondering as
11 I'm sitting here looking at this, and I kind of like some
12 enlightenment from the rest of Council, we're dealing with Unit
13 7, we're dealing with black bear and according to our minutes,
14 here, we didn't address Whittier when it came to black bear.
15

16 I can understand, you know, to a certain extent we left
17 Whittier out because we didn't look at them as having had such
18 a long term use pattern and yet we gave them customary and
19 additional on moose in Unit 7. And black bear is one item I
20 know people in Whittier do take right in the community of
21 Whittier or right, you know, right on their doorstep for all
22 practical purposes. I just wonder, in my mind, why -- does
23 anybody remember our rationale for why we didn't address
24 Whittier on black bear for Unit 7?
25

26 MR. BASNAR: Taylor.
27

28 MR. BRELSFORD: Thank you, Mr. Chairman. It is an
29 aspect that I dropped. There was some discussion in the
30 paragraphs that we went through in January and it's brief, so
31 perhaps I can just read it. Whittier residents did not seal
32 any black bears from 1983 to 1991 for Unit 7, but are estimated
33 to have harvested two black bears during the 1990 study year.
34 If you have this report in front of you, Ralph, it's
35 the January 19th version on Page 9, the bottom paragraph.
36 However, the harvest activity, harvest of black bears was
37 reported to have taken place in Unit 6(D) in the College Fjord
38 area. As a result no uses of black bear by this community in
39 Unit 7 are identified.
40

41 So as I recall there was some pretty specific
42 geographic difference that Whittier residents hunted black bear
43 in the Prince William Sound area rather than on the Kenai
44 Peninsula.
45

46 MR. BASNAR: Why haven't people in Whittier taken more
47 bears since '83? Any idea on that?
48

49 MR. SPRAKER: They're certainly available.
50

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1007 WEST THIRD AVENUE
272-7515

1
2 MR. BASNAR: Has there been a regulatory reason why
they couldn't take them?

4
5 MR. BRELSFORD: No, there are long seasons and bag
limits.

7
8 MR. BASNAR: Like the rest of the state, right? Mr.
Spraker.

10
11 MR. SPRAKER: Mr. Chairman, there is a difference in
Unit 6, the bag limit on bears, the limit is one, whereas most
of the surrounding areas until last year has been three bears
per year. That may shed some light on this issue, but the
bears are certainly available in Prince William Sound, as they
are throughout Unit 7 and 15.

17
18 MR. BASNAR: Well, we're dealing with Unit 6 -- I mean,
Unit 7, I'm sorry.

20
21 MR. LOHSE: Did you mean Unit 7 or did you mean Unit 6
22 minute ago?

23
24 MR. SPRAKER: I meant Unit 6, where Whittier is
located, has a bag limit of one, whereas Unit 7 has a bag limit
of three.

27
28 MR. BASNAR: You know the geography there much better
than I do, is it conceivable that residents of Whittier hunt
bear in Unit 7, just over the boundary, or is that straight up
there?

32
33 MR. SPRAKER: If I was going to guess, I would guess
that the residents of Whittier would have enough bears right
there locally. It would be basically a waste of their time to
go elsewhere to hunt black bear. They're certainly available
locally.

38
39 MR. BASNAR: Okay. Thank you.

40
41 MR. LOHSE: If I'm correct in my thinking, in order to
go into Unit 7 they have to take trains through the pass, don't
they?

44
45 MR. SPRAKER: Yes, sir, that's correct.

46
47 MR. BASNAR: Thank you. Any comments from the Council
on this bear situation?

49
50

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272-7515

1 I'm not sure I'm really convinced in my own mind that
 2 the Ninilchik have a long tradition of the use of bear up in
 3 Unit 7, whereas the people in Whittier don't have any
 4 tradition. Somehow I think we might want to revisit this a
 5 little bit. We've got people with bears right out their back
 6 door, all they got to do is go through the tunnel and take
 7 bears and that tunnel has been there since the '40s. We've got
 8 people in Ninilchik who prior to the construction of the
 9 Highway had to take an extended journey by boat to get to the
 10 sea to hunt. Not saying that they didn't do that, but I
 11 wonder why were not finding it customary and traditional for
 12 Whittier when we are for Ninilchik, which is so far away. That
 13 stretches my imagination.

14

15 Council members? Well, this is certainly not a very
 16 local Council here all of a sudden. Guess no one has an
 17 opinion (indiscernible - cough). Well, in that case, does
 18 someone want to make a motion?

19

20 MR. OSKOLKOFF: Mr. Chairman, can I have just a minute
 21 before a motion is made to refresh my memory from the minutes
 22 of our deliberations?

23

24 MR. BASNAR: Yes, Gary.

25

26 MR. BRELSFORD: Mr. Chairman, if it would serve the
 27 Council, there is a fuller documentation in the original report
 28 regarding the geographic distribution of black bear harvest by
 29 Ninilchik residents. This would be the brick that we worked
 30 with in December, over a year ago.

31

32 MR. BASNAR: Not in here?

33

34 MR. BRELSFORD: No, there are additional copies in the
 35 back if you

36

37 MR. BASNAR: Well, can you summarize it briefly?

38

39 MR. BRELSFORD: Yes. Black bear sealing records
 40 compiled by ADF&G indicate that from 1973 to '91 a total of 27
 41 black bears were sealed by Ninilchik residents, 26 of these
 42 were from Unit 15. A range of zero to four black bears were
 43 sealed in any single year with an average of 1.4 bears sealed
 44 per year over the 18 year period.

45

46 There's other qualifications entered about the accuracy
 47 of harvest ticket -- or sealing records and the time periods
 48 that are covered. But, in any event, this certainly suggests a
 49 focus on Unit 15 for black bear harvest.

50

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 272-7515

1
2 MR. BASNAR: Thank you. Well, that fits into my
3 thinking too. We need to be consistent as a Council,
4 evenhanded across the board, consider all the uses, past and
5 present, particularly past, of course, for c&t, but if we're
6 going to deny one community the use of bears in their backyard
7 and allow another community from many, many miles away to come
8 and harvest those bears, I don't think we're treating people
9 evenhandedly across the state, across the region.

10
11 Gary, are you ready to comment yet?
12

13 MR. OSKOLKOFF: Yes, I am. I went back and read the
14 minutes of our discussion on black bear and, unfortunately,
15 there as brief as they are in the report that we have here. I
16 am always in favor of being inclusive rather than exclusive,
17 but given my limited knowledge in this particular endeavor here
18 and not being able to refer back to any records at this
19 particular time, I feel we should be consistent with what we
20 have done in other areas and, therefore, I would feel that in
21 order to be consistent we would have to leave off both
22 Nilchik and Whittier in those determinations in Unit 7. Now
23 for the time being, knowing that in the future we will be
24 revisiting this and hopefully with vastly superior information.

25
26 MR. BASNAR: Okay, thank you, Gary. And that's a good
27 point. We will revisit any of these things in the future, this
28 is not locked in concrete and I think the Board needs to be
29 aware of that too. That any recommendations that we make today
30 are subject to change as we gain more education, we get more
31 public input and we'll certainly come back and make changes as
32 they're needed.

33
34 That having been said, is there any further discussion
35 on this?

36
37 MR. OSKOLKOFF: Just one comment in that we -- to
38 follow up on the Chairman's comment, is that there is -- we are
39 advising the Subsistence Board and the Subsistence Board may
40 have more information available to them when they make their
41 decision here in the very near future.

42
43 MR. BRELSFORD: Mr. Chair.

44
45 MR. BASNAR: Taylor.

46
47 MR. BRELSFORD: I think to follow on that very point.
48 The Council has discussed with us, the staff, various point,
49 the value of meetings on the Kenai Peninsula. In earlier

50

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discussions we've always talked about having the proposed rule in the Federal Register followed by a period of public review during which there would be some public meetings. Followed by final deliberations by the Board, so I think your point is well taken, Mr. Oskolkoff, that there will be an opportunity for the public to become more knowledgeable about the decision making process here and, perhaps, to offer additional information, if it's needed.

9

10 MR. BASNAR: Thank you. I'd also point out that we did have a meeting in Soldotna in October, two members of the public showed up. We certainly made ourselves available, but the public stayed away in droves.

14

15 Okay, motion?

16

17 MR. LOHSE: I move we make a finding of c&t for Hope and Cooper Landing on the Federal lands in Unit 7 for black bear.

20

21 MR. ROMIG: I'll second it.

22

23 MR. BASNAR: We have a motion and a second for Hope and Cooper Landing, black bear, Unit 7 Federal lands. Any further discussion?

26

27 MR. HENRICHS: Yeah, I really find it strange that Ninilchik, when it was a Native village, they didn't actually utilize black bear for meat. Because I know in Prince William Sound sheep and moose were transplanted over there and black bear was a major source of meat in the spring. You know, maybe they had other sources of meat, but I find it hard, you know, it's just strange.

34

35 MR. BASNAR: I don't think -- the question in my mind revolves around the use of the bear for meat, but it's the use of the bear in Unit 7. Did they go that far to get the meat when they had right available in 15.

39

40 MR. HENRICHS: Yeah, that's true, yeah.

41

42 MR. OSKOLKOFF: Mr. Chairman, if I could clarify my comment with regard to the last two comments and it is that right now I don't have evidence, either oral testimony or written evidence, that would take me any further down the road to a decision that I have already mentioned. Therefore, at this time, that's why I'm not arguing heavily in favor of including Ninilchik. It's not a matter of whether they did or didn't, it's just that I have no information at this particular

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272-7515

point on which to make a decision and I'm sure that information will be forthcoming.

3

4 MR. BASNAR: Okay, thank you, Gary. Any further discussion? All those in favor of the motions signify by saying aye.

7

8 IN UNISON: Aye.

9

10 MR. BASNAR: Those opposed.

11

12 (No opposing votes)

13

14 MR. BASNAR: Motion carries. Brown bear, Unit 7. Taylor.

16

17 MR. BRELSFORD: The Council suggestion was that there were no qualifying uses of brown bear -- qualifying customary and traditional uses of brown bear in Unit 7 on the Federal public lands. And the principle rationale had to do with very low and irregular rates of harvest efforts and success from Hope, Cooper Landing and Whittier, supplemented by the fact that in the community studies in the 1990s, those few harvests of brown bear were not intended for consumption as food.

25

26 There's a little bit further information about more detail on the sealing records over a lengthy period of time, but I think what the Council found compelling was that it was an infrequent harvest and has -- to the extent of our documentation in the contemporary period, brown bears are not being taken as a food resource. I believe that was the information that the -- the turning point in the Council's discussions.

34

35 MR. BASNAR: Thank you, Taylor. We've already had testimony from Clare, who said that they did not eat brown bears. I see a couple of new faces. If any member of the public has any knowledge of traditional -- customary and additional use of brown bear in Unit 7, I'd certainly welcome any comments. Anyone who has arrived during the meeting there are forms in the back, if you would like to testify at any point, on any subject on our agenda, if you would, please, fill the form out and it'll get up here to me and I'll make certain that you don't get overlooked and we'll call you up at the appropriate time. They're on the back table.

46

47 Council members, any further discussion on the use of brown bear? I think for the record, as far as the Board's concerned, we have not had any public testimony in favor of c&t

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272-7515

use of brown bears in Unit 7. Nor have we had any written documentation that would back it up either.

3

4 Need to have a motion on brown bears.

5

6 MR. OSKOLKOFF: How about a lack of a motion?

7

8 MR. BASNAR: Okay, we take no action, there being no motion. Now we move to Unit 15(A) and the first species, moose, residents of Hope, Cooper Landing, Ninilchik and Seldovia. Taylor.

12

13 MR. BRELSFORD: Thank you, Mr. Chairman. The rationale statement that was offered to you in your discussions in January of last year pointed out that there were aboriginal and historic -- aboriginal, historic and contemporary uses of moose in Unit 15(A) documented by the residents of Hope and Cooper Landing. The mapped information extended, for these two communities, down into 15(A).

20

21 The circumstance for Ninilchik was somewhat more specific in this area. The aboriginal moose hunting tradition is strong, a significant proportion of the contemporary community, 20 percent, descends from the aboriginal people of the area. Historic patterns are relatively well documented. And for the contemporary era a high level of interest and effort in moose hunting was documented.

28

29 Geographically there were no use area maps for Ninilchik resident at the time of our discussion here. However, harvest tickets had indicated a fairly strong concentration of moose hunting efforts by Ninilchik residents in Unit 15, including a portion in this source of information, a fairly small percentage, that was occurring in Unit 15(A), the majority had occurred -- the majority of moose hunting effort by Ninilchik residents was in the units more immediately nearby or in the proximity of the community.

38

39 And finally concerning the community of Seldovia. Community studies indicate a high level of participation in moose hunting and harvest tickets suggested that a -- again a relatively small proportion, about six percent, six and a half percent, of effort had occurred in Unit 15(A).

44

45 There was some information concerning Whittier residents and the use areas. And their mapped harvest area for the contemporary period did not extend as far as Unit 15(A).

48

49 Your discussion was very brief and essentially took the

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272-7515

rationale statement at face value and found that the four communities, Hope, Cooper Landing, Ninilchik and Seldovia would, in your judgment, have customary and traditional uses. So your recommendation to the Board indicated those four communities having c&t use for moose in Unit 15(A).

6

7 MR. BASNAR: Taylor, did this original consideration include the Homer Rural Area?

9

10 MR. BRELSFORD: I just read that. No, it did not, Mr. Chairman.

12

13 MR. BASNAR: At what point do they get considered on moose?

15

16 MR. OSKOLKOFF: Right at the end where no action, it says

18

19 MR. BASNAR: Essentially they don't show up in this process. Where did we discuss Homer?

21

22 MR. BRELSFORD: Well, I think Homer Rural Area was discussed more specifically for Units 15(B) and 15(C).

24

25 MR. BASNAR: Okay.

26

27 MR. BRELSFORD: In the case of 15(A), I see no indication that their harvest tickets had documented a use in that area, but I'm, frankly, a little skeptical of that. And I think I need to look at the fuller documentation.

31

32 MR. BASNAR: See 15(B) moose, the heading does not include the Homer Rural Area either.

34

35 MR. BRELSFORD: Well, I do recall that the Council's discussion and deliberation was to leave the Homer Rural Area out all along and the was primarily on the basis that it was such a new community and did not have the historic pattern of resource use. I remember very vividly the remark made that the long time residents actually lived in the city, in the non-rural area of Homer and were beyond the reach of the Federal Subsistence Program, but many of the people living in these newer areas, kind of suburbs to the Homer non-Rural Area that there was a very recent historic growth of population in those areas. And I think the Council treated that consistently throughout.

47

48 MR. BASNAR: Okay. Thank you. Then some comments that we might want to relook at the Homer Rural Area, based on

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1007 WEST THIRD AVENUE
272-7515

additional information or that a year as passed, additional information may have come aboard. So we may want to bring them back into our discussion rather than totally leaving them out as we go through, starting with 15(A) moose.

5

6

Gary.

7

MR. OSKOLKOFF: Mr. Chairman, I'm feeling that in our discussions what we essentially set up were a set of hurdles and some fell out on the notion of community, some fell out on their time, therefore, it was difficult to establish, in our minds, a custom and tradition of use. I think that even for the Fish & Game records in that area it's difficult because of the fact that those people in that area would generally pick up their mail and whatnot in Anchor Point or Homer, in one of the communities, send their children to school in those directions in a lot of cases and, therefore, if someone were to ask them what community they were a part of they might be getting different information.

20

I think that we really need to very seriously revisit, and I don't think this is the appropriate time, I don't know if we have the time to do it, I leave that up to the will of the Council, but to revisit questions that we had regarding those issues that I -- or those hurdles that I just discussed and now, in particular that we saw communities drop during those deliberations on those hurdles.

28

MR. BASNAR: I share your concern, I think some people got dropped through the crack in our deliberations a year ago, just because we had a hard time coming to grips with the term community. Where do you draw the circle around a community? You have homesteaders who have lived in certain areas of the state for years and years, not really a part of the community, but rather a community unto themselves, so to speak. And perhaps some people in this Homer Rural Area, they've already been declared rural, and in some case these homesteaders may go back for more than one generation or two or perhaps three or four, I don't know.

40

We haven't had any public testimony, that makes our job difficult, but if some of these people had come forth and let us know what their past use patterns were it would have made our job much easier. So as a result we dropped the Homer Rural Area out of discussions of uses of these species, and I think it's important that the Subsistence Board realized why we did what we did. I also think it's important that we revisit it as new information becomes available because it's not our intent, at least it's not my intent, to exclude someone who had a long

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272-7515

History of use of a certain species in a certain area.

2

3 Fred.

4

5 MR. JOHN: I got a question on the Homer Rural Area.
 6 In the park, is there -- you have to get an individual permit
 7 to hunt in the rural area? If they prove that they, you
 8 know

9

10 MR. BRELSFORD: Fred, at the present time the only part
 11 of the Federal Subsistence regulations that allow for
 12 individual permits, like you're thinking of is in parks or
 13 preserves, but those are regulations specific to the National
 14 Park Service. They do not apply at the present time on
 15 National Wildlife Refuges and in Unit 15, the Federal public
 16 lands that we would be talking about are almost exclusively
 17 National Wildlife Refuge lands.

18

19 MR. BASNAR: Okay, so there's no permitting process
 20 involved there?

21

22 MR. BRELSFORD: At the present time, no. It has been a
 23 matter of some discussion, it may be that policies would be
 24 revised. I think the Council may have insights on this matter
 25 that they would want to offer to the Board.

26

27 MR. BASNAR: Fred, go ahead.

28

29 MR. JOHN: Yeah. To be fair with those that are left
 30 out it seems like the Board should -- the Federal Board should
 31 really consider having, you know, permit for individual and
 32 especially in Kenai area. What I'm afraid is that if we do
 33 open up the whole area, we'll open a million (ph) -- it'll just
 34 the other way, too, anybody could be subsistence hunter, you
 35 know, like the late comers in the Homer Rural Area. What we
 36 discussed before was that in Homer, right in Homer, the main
 37 city, they have more local resident, they got more customary
 38 and traditional than the rural area. You understand?

39

40 MR. BASNAR: Yes, I do. Thank you, Fred, appreciate
 41 the comment. I think we really do need to take a relook at the
 42 Homer Rural Area. I don't think that we have that kind of time
 43 at this particular meeting. If the Council members feel the
 44 same way, and I need to get a reading on that from you, we need
 45 put it on the agenda for our next meeting and hopefully have
 46 the staff gather some more data, any information that they can,
 47 there is more available. If all that's available has
 48 already been presented to us, so be it. But I do think we need
 49 take a look at this again.

50

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 272-7515

1
2 Any other

3
4 MR. LOHSE: Mr. Chair.

5
6 MR. BASNAR: Yes, Ralph.

7
8 MR. LOHSE: I've been looking through our minutes of
the past and the Homer Rural Area was brought up a number of
times, I know I made a couple of motions that we should include
that in. And as a Council we either took no action on the
Homer Rural Area or we didn't second the motions. We,
basically, seemed to have adopted the policy that the Homer
Rural Area, as one the statements a little farther back says,
15 that it was not really a community, that it's an area and as
such it didn't have a community customary and traditional. I
would also draw from the fact that it was a fairly new area.
But we did approach the Homer Rural Area a number of time, we
just never saw fit to include it in customary and traditional
20 any of the areas that we ever dealt with. It was brought up
though and it was brought up a number of times.

22
23 MR. BASNAR: Well, I know it was. My point being that
we got, at least a couple of members that are uncomfortable
with the finding. And as we said, we are flexible and anything
26 any recommendation that we make is subject to revision as
new information becomes available. So if enough Council
members want to revisit this in the future we will put it on
our next agenda and, if not, we will drop the issue and not
bring it up unless we get petition or some public from that
particular area comes forth at one of our meetings. So I would
like to get a handle on this before we move on with 15(A)
those, unless you've got something to contribute to Homer.

34
35 MR. BRELSFORD: I think there were two point to,
perhaps, put the Council a bit at ease. First, is to reiterate
that this will be a proposal reviewed by the public, you'll
have the benefit of the public's comments, as well as the
Board, so it's not a one shot decision on this item.

40
41 And, secondly, my colleagues asked me to point out that
the subsistence uses of resources on the Federal lands are
generally not the exclusive use of resources on the Federal
public lands. Only in special circumstances where resources
45 are in some sort of conservation trouble are Federal public
lands closed to non-subsistence uses. So your findings would
not have the effect of automatically closing out other users.
So in this instance, if you were to proceed with your
recommendations, if the Board were to adopt these

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1007 WEST THIRD AVENUE
272-7515

recommendations, some other residents on the Kenai Peninsula, from non-rural areas or from the Homer Rural Area in this scenario, would still have access to the Federal public lands because they have not been closed.

So there are a couple of safety valves or comfort elements that might be of consideration for you.

MR. BASNAR: Okay, thank you. Council members, what's your pleasure on the Homer Rural Area? I would entertain a motion to put it on the next agenda, if I don't hear a motion, we'll move on.

MR. ROMIG: I'll make a motion that we put it on the next agenda, Homer Rural Area to further discuss it.

MR. BASNAR: I'll second that. As a voting member I can second. Any further discussion?

MR. OSKOLKOFF: Just one point that we might want to include in that because it will be a rather general discussion and we might want to include the Kenai Rural Area or notion of a rural area in general, so we can kind of clear this up all at the time.

MR. BASNAR: Good point. Further discussion? Those in favor of the motion signify by saying aye.

IN UNISON: Aye.

MR. BASNAR: Those opposed.

(No opposing votes)

MR. BASNAR: Motion carries. Put that on our agenda for next time. Now, 15(A) moose, excluding the Homer Rural Area, do we have a motion? Hope, Cooper Landing, Ninilchik and Seldovia.

MR. OSKOLKOFF: Mr. Chairman.

MR. BASNAR: Yes, Gary.

MR. OSKOLKOFF: I'll move for a finding of customary and traditional use of moose on Federal lands in Unit 15(A) for Hope, Cooper Landing, Ninilchik and Seldovia.

MR. LOHSE: I'll second that.

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1007 WEST THIRD AVENUE
272-7515

1 MR. BASNAR: Ralph seconded it. Any discussion? All
 2 those in favor of the motion signify by saying aye.

3

4 IN UNISON: Aye.

5

6 MR. BASNAR: Those opposed.

7

8 (No opposing votes)

9

10 MR. BASNAR: Motion carries. 15(A) caribou. Taylor,
 11 please.

12

13 MR. BRELSFORD: Thank you, Mr. Chairman. The Council
 14 suggestion in this unit was that the residents of Hope, Cooper
 15 Landing and Ninilchik would have customary and traditional uses
 16 of caribou. This will be quite similar, the rationale, to the
 17 circumstance of caribou in Unit 7. That is to say that
 18 original traditions were found throughout this area. Prior
 19 to extirpation in the early part of this century, the early
 20 historic residents of the Kenai Peninsula, including Alaska
 21 Native people in Ninilchik, took caribou on the Kenai
 22 Peninsula. Although little information is available to specify
 23 the herds and the locations involved.

24

25 Contemporary use levels and mapped information as to
 26 the areas are available for Hope and Cooper Landing.
 27 Contemporary information about the rate of effort on caribou is
 28 available for Ninilchik, including some documented
 29 participation in one of the permit hunts. And those elements
 30 were considered sufficient.

31

32 In your minutes two point were made. On the permit
 33 hunts, it was again pointed out that the unsuccessful permit
 34 applicants were not recorded and so there may have been more
 35 intention or more effort, more desire to hunt, than was
 36 reflected in the permit, successful permit holders
 37 specifically, and as Mr. Lohse has pointed out, there was
 38 separate and additional discussion regarding Homer Rural Area.

39

40 MR. BASNAR: Okay, thank you. Council, I think we've
 41 established pretty much that we will not deviate from our
 42 findings that the Homer Rural Area will not be included in
 43 future discussions, I don't think we need to bring that up
 44 again. What's your pleasure?

45

46 MR. LOHSE: I move we make a finding for customary and
 47 traditional in Unit 15(A) for caribou for the residents of
 48 Hope, Cooper Landing, Ninilchik.

49

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 272-7515

1 MR. BASNAR: Second. Discussion.

2

3 MR. LOHSE: The question in my mind is why did we leave
4 Seldovia out of this one and include it in the moose? Was it
5 just from lack of data?

6

7 MR. BASNAR: Taylor, do you have any light to shed on
8 that one? I don't remember.

9

10 MR. BRELSFORD: Generally speaking in the base
11 documentation that we worked from, if there were any harvest
12 tickets from the community indicating that they hunted in that
13 area that would have been included in the discussion. And, I
14 believe, this situation, then, is that Seldovia did not have
15 any recorded harvest ticket hunts in Unit 15(A). In this
16 instance it's more specific, we're talking about permit hunts
17 and so Seldovia residents would not have shown up among the
18 permittees.

19

20 MR. LOHSE: Right.

21

22 MR. BRELSFORD: I guess if we need to go further than
23 this, I'll look at the original documentation, but that was the
24 standard use in trying to screen information into the document
25 that we worked from in January of last year.

26

27 MR. BASNAR: Well, I think it's important that the
28 board know that we did take everything into consideration that
29 was available to us, so go ahead.

30

31 MR. BRELSFORD: In the full documentation, in the
32 chapter concerning Seldovia and the sections on caribou, the
33 discussion indicates that residents of Seldovia hunted caribou
34 at other locations of the state, outside of the Kenai Peninsula
35 and that some households reported receiving caribou meat from
36 relatives living outside the community. And there's no
37 indication in the remaining sections of participation in the
38 permit hunts on caribou on the Kenai Peninsula today (ph).

39

40 MR. BASNAR: We do have a Seldovia resident here. Do
41 you have any comments on that, sir?

42

43 MR. GRANDE: Thank you. What I know of caribou hunts
44 is consistent with what this gentleman said. I believe it's
45 area 9 and 16 is where most caribou are taken by Seldovia
46 hunters that I know of.

47

48 MR. BASNAR: Okay, thank you.

49

50

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272-7515

1 MR. GRANDE: You're welcome.

2

3 MR. BASNAR: Council?

4

5 MR. LOHSE: Question.

6

7 MR. BASNAR: Question has been called. All those in
~~8~~ favor of the motion signify by saying aye.

9

10 IN UNISON: Aye.

11

12 MR. BASNAR: Those opposed.

13

14 (No opposing votes)

15

16 MR. BASNAR: Motion carries. We'll discuss sheep in
 17 (A) and then we'll break for one hour for lunch and reconvene
 18 at 1:00 o'clock. Any objection from Council members; one hour
 19 give us enough time? Okay?

20

21 MR. LOHSE: Sure.

22

23 MR. BASNAR: Sheep 15(A), Cooper Landing.

24

25 MR. BRELSFORD: Thank you, Mr. Chair. The rationale
~~26~~ statement referred to the documentation of aboriginal, historic
~~27~~ and contemporary use patterns of sheep by Cooper Landing
~~28~~ residents. That's actually laid out in the discussion of Unit
 29 sheep. The mapped use area by Cooper Landing residents also
~~30~~ extends into a small portion of Federal public lands in Unit
 31 15. Harvest ticket information, as surveyed, it indicates that
~~32~~ Seldovia, Hope, Ninilchik and Homer Rural Area residents had
~~33~~ some use, but at an extremely small level.

34

35 And in the Council's discussions Mr. Romig provided
~~36~~ some additional information about the geography and the kind of
~~37~~ practicality of hunting sheep in Unit 15(A). Following which
~~38~~ the Council moved to adopt a finding in favor of Cooper Landing
~~39~~ having customary and traditional of sheep in 15(A). And there
~~40~~ was no further action taken in regard to the Homer Rural Area
~~41~~ and Seldovia.

42

43 MR. BASNAR: Okay, thank you. Does our five year
~~44~~ resident of Seldovia have any comments on sheep in 15(A)?

45

46 MR. GRANDE: (Shakes his head negatively)

47

48 MR. BASNAR: Okay, thank you. Council?

49

50

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1 MR. ROMIG: Yeah, I think, Lee, what we were talking
 2 about in 15(A), I'm not really sure, but I think it's only part
 3 of one mountain that's really included. Maybe Ted can
 4 enlighten me on that, but I think most of the Kenai Mountains,
 5 aren't they in Unit 7? What we discussed, including those
 6 other areas, but it would be real -- it wouldn't be practical
 7 for them just to hunt on one side, we were more inclined to
 8 believe that they went up the Kenai Mountains, which was in
 9 Unit 7.

10

11 MR. BASNAR: I recall that discussion now that you
 12 pointed it out, thank you. What's your pleasure, Council?

13

14 MR. LOHSE: I move to find a c&t finding for sheep in
 15(A) for Cooper Landing.

16

17 MR. ROMIG: I'll second it.

18

19 MR. BASNAR: We have a motion and a second. Discussion
 20 on sheep in 15(A).

21

22 MR. OSKOLKOFF: Question.

23

24 MR. BASNAR: Question has been called. All those in
 25 favor of the motion signify by saying aye.

26

27 IN UNISON: Aye.

28

29 MR. BASNAR: Those opposed.

30

31 (No opposing votes)

32

33 MR. BASNAR: Motion carries. We'll continue at 1:00
 34 clock with goat in 15(A).

35

36 (Off record)

37

38 (On record).

39

40 MR. BASNAR: Unit 15(A) goats in Cooper Landing.
 41 Taylor, are you prepared to summarize that for us?

42

43 MR. BRELSFORD: Yes, thank you, Mr. Chairman. The
 44 suggestion of the Regional Council was that the residents of
 45 Cooper Landing be found to have customary and traditional use
 46 of goat in Unit 15(A). And the rationale statement refers back
 47 to the discussion of goats in Unit 7 to indicate that there
 48 were aboriginal, historic and contemporary patterns of goat
 49 harvest in the Cooper Landing area. And that the mapped use

50

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area for goat harvest by Cooper Landing residents, contemporary residents of Cooper Landing extended into the southeastern tip, that small portion in the corner of Unit 15(A).

4

5 Hope and Whittier did not have recorded goat hunting activity in this unit.

7

8 MS. EAKON: The Council unanimously adopted a motion to have c&t determination for goat in community 15(A) for residents of Cooper Landing.

11

12 MR. BASNAR: Okay, thank you. Mr. Spraker, you have a comment?

14

15 MR. SPRAKER: Mr. Chairman, there are no goats in 15(A), it's outside of their normal range. I just wanted to point that out before you find c&t determination for goats in 18(A).

19

20 MR. BASNAR: If there aren't any goats there it's kind of hard to hunt them, ain't it? Well, let me at a map.

22

23 MR. OSKOLKOFF: We discussed got half of the mountain. We discussed that a little bit before.

25

26 MR. JOHN: Yeah, we discussed it. There's a little mountain there, I think.

28

29 MR. OSKOLKOFF: Yeah, half of the mountain. It was kind of a

31

32 MR. BASNAR: Yeah, we did discuss that. I remember that now. Ben, do you want to enlighten us, for the record, please, on that? That's your back yard.

35

36 MR. ROMIG: Yeah, the mountain that we're talking about, only half of it is in Unit 15 and there's actually no goats on that mountain at the time. Whether there was in the past or not I'm not sure whether there was any permits. I'm not really so sure why we included it in customary and traditional.

42

43 MR. BASNAR: Ralph.

44

45 MR. LOHSE: Did you say that in all of the rest of 45(A) there is no goat? So the only possibly would be, unless you have some strays on this one little mountain, or 48(indiscernible - simultaneous speech)

49

50

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1 MR. SPRAKER: Mr. Chairman, Ralph, there are goats just
 2 south of Cooper Landing that were introduced in 1983, they came
 3 from (indiscernible) Pass. There are goats near the Lower
 4 Russian Lake on Cooper Mountain. There's virtually no goats,
 5 at all, in the northern part -- north of Cooper Landing, right
 6 there close, although it's closed to sheep and goat. We
 7 encountered that for years and we occasionally got one or two
 8 goats in the Cooper Landing closed area, which is just adjacent
 9 to the east, this small little section of mountain in 15(A).
 10 And for all practical purposes you're talking about the
 11 occasional movement of one or two animals that may be get into
 12 15(A).

13

14 MR. BASNAR: Are they in 7?

15

16 MR. SPRAKER: Yes, sir (ph).

17

18 MR. BASNAR: Thank you. Ralph.

19

20 MR. LOHSE: Then is there presently no hunting season
 21 in 15(A) on goats?

22

23 MR. SPRAKER: There's no hunting in 15(A) on goats.

24

25 MR. BASNAR: Taylor, do you recall why we discussed
 26 shooting goats when there aren't any?

27

28 MR. BRELSFORD: No, I don't remember specifically. I
 29 think the more geographically specific information that
 30 Mr. Spraker offers is well received. Our general review of the
 31 geographic distribution of the species in Unit 15 and my
 32 reading of the State's seasons refers to the remainder of Unit
 33 season. However, I think we're best advised to take the
 34 best information available and Mr. Spraker is in a position to
 35 provide that to us.

36

37 MR. BASNAR: Thank you. Ben, do you have knowledge of
 38 some people shooting goats in that little section of 15(A)?

39

40 MR. ROMIG: No, I don't. And I believe that that was
 41 brought up before, that it would be real incidental if a goat
 42 happens to stray over there. And if there was any pattern of
 43 use.

44

45 MR. BASNAR: Gary, do you have any background knowledge
 46 of any your people ever going up into that area? It looks like
 47 pretty tough to get to before the road was there.

48

49 MR. OSKOLKOFF: I notice that -- in fact, I was the

50

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 272-7515

maker of the motion at the time and we only included the residents of Cooper Landing. And I don't see it in the minutes of the meeting, but I thought recall, maybe I'm misplacing my memories here, but I thought I recalled some discussion of the ridge lines between the drainages that travel between 7 and 15(A) from the more mountainous area down, or I should say across, and the difficulty in our limiting it to specifically 80 7 without -- because of where the line happens to fall. As opposed to it being a little further to the west where you would include no area where a person could possibly could hunt. I thought that was the discussion at the time, maybe I'm thinking of something else, but maybe that will strike someone else's memory.

14

15 MR. BASNAR: I think you're right, I remember that discussion, but I think that based on current information from the resident biologist down there, we need to rethink our situation. Why not just move on and forget about goats for this particular unit?

20

21 MR. ROMIG: I'd like to add, Mr. Chairman, that when we got this thing here it did have residents of Cooper Landing on there, that's why we took it out. I think I brought up the point that I didn't know of any goats being on there.

25

26 MR. BASNAR: Okay, thank you. Well, from my estimation I think either no action or action to preclude residents of Cooper Landing from taking goats where there aren't any goats anyway would be appropriate. Council, what's your pleasure.

30

31 MR. LOHSE: I move we go on to black bear.

32

33 MR. OSKOLKOFF: What was that?

34

35 MR. BASNAR: He moved we go on to black bear. Do I have a second?

37

38 MR. OSKOLKOFF: Second.

39

40 MR. BASNAR: Discussion. All those in favor.

41

42 IN UNISON: Aye.

43

44 MR. BASNAR: Okay, essentially what we did is took no action on 15(A) goat this time around and would like that noted in the record, so if the Board does go back and review our discussion of a year ago that this discussion today supersedes what we did a year ago.

49

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1 Okay, Unit 15(A) black bear, Hope, Cooper Landing and
 2 Ninilchik. Taylor.

3

4 MR. BRELSFORD: Thank you, Mr. Chairman. The historic
 5 and contemporary black bear harvest activities by Hope and
 6 Cooper Landing residents have been described in the discussion
 7 under Unit 7. The mapped use areas of those two communities
 8 extended into a small portion of Unit 15(A).

9

10 Concerning the community of Ninilchik, there was
 11 conflicting information in the written documentation as
 12 compared to the information offered before the Council. The
 13 written information found no black bear harvest in the 1982
 14 study, none in the interviews of 1992 -- pardon me, one family
 15 utilizing bears as a resource in the 1992 interviews. However,
 16 the sealing records from '73 to '91 had documented a total of
 17 27 bears taken during that period. And of those, three had
 18 been taken in Unit 15(A).

19

20 (Mr. Ewan returned)

21

22 MS. EAKON: Once again the Council unanimously adopted
 23 a finding for black bear in Unit 15(A) for Hope, Cooper
 24 Landing and Ninilchik. And the Council took no action on Homer
 25 Rural Area. Mr. Basnar did point out the anomaly situation
 26 that people south of Kenai are able to go north of Kenai to
 27 hunt, yet people residing in Kenai and Homer cannot subsistence
 28 hunt.

29

30 MR. BASNAR: Thank you.

31

32 MR. EWAN: (Indiscernible -- whispered)

33

34 MR. BASNAR: Okay. We got a Chairman with a numb mouth
 35 here, I'll continue to Chair. Discussion on the black bear in
 36 Unit 15(A). Council, what's your pleasure on 15(A) black bear for
 37 Hope, Cooper Landing and Ninilchik? Do you have any new
 38 information on Ninilchik, Gary since you have looked into that?

39

40 MR. OSKOLKOFF: No, no, our last was the mapping and
 41 taking down of information from the view of the local residents
 42 and that is what Mr. Brelesford has referred to.

43

44 MR. BASNAR: Okay. I'll entertain a motion.

45

46 MR. OSKOLKOFF: Mr. Chairman.

47

48 MR. BASNAR: Yes, Gary.

49

50

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1 MR. OSKOLKOFF: I'll move for a customary and
~~2~~traditional use finding for the residents of Hope, Cooper
~~3~~Banding and Ninilchik in Unit 15(A) for black bear on Federal
~~4~~lands.

5
 6 MR. JOHN: I second it.
 7

8 MR. BASNAR: We have a motion and a second. Any
~~9~~further discussion on black bear 15(A)?

10
 11 MR. JOHN: Question.
 12

13 MR. BASNAR: Question has been called. All those in
~~14~~favor signify by saying aye.

15
 16 IN UNISON: Aye.
 17

18 MR. BASNAR: Those opposed.

19
 20 (No opposing votes)
 21

22 MR. BASNAR: Motion carries. Move on to 15(A) brown
~~23~~bear.

24
 25 MR. JOHN: Mr. Chairman.
 26

27 MR. BASNAR: I'm sorry?
 28

29 MR. JOHN: We got a couple people in here that might
~~30~~want to say something. I don't know if they're going to be
~~31~~here long or not.

32
 33 MR. BASNAR: Okay, fine. Outstanding.
 34

35 MR. JOHN: This is on different one, c&t for Copper
~~36~~river.

37
 38 MR. BASNAR: Thank you.
 39

40 MR. JOHN: If they want to talk. I mean, I was going
~~41~~to -- I'd like you to open up to the public.

42
 43 MR. BASNAR: Certainly. Thank you. Is there someone
~~44~~here who needs to testify now on something we're going to
~~45~~discuss in the future, but they need to testify now because
~~46~~they have to leave?

47
 48 MR. JOHN: Okay, guess not.
 49

50

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1 MR. BASNAR: At any time if anyone who runs into that
 2 type of a situation, please just let us know because we
 3 appreciate you coming and we don't want to hold you up from
 4 your other activity.

5
 6 Okay, 15(A) brown bear. Taylor.

7
 8 MR. BRELSFORD: Yes, Mr. Chairman. This can be very
 9 brief. The Council suggestion and these review comments in
 10 January was that there would be no qualify customary and
 11 traditional uses on Federal public lands. The rationale
 12 referred to the low and irregular rates of harvest efforts for
 13 brown bear in Unit 15(A). And the fact that all of the
 14 information, the documented information indicated that these
 15 bears were not harvested for food consumption.

16
 17 MR. BASNAR: Thank you. Helga.

18
 19 MS. EAKON: The Council took no action on brown bear.

20
 21 MR. BASNAR: Council, what's your pleasure?

22
 23 MR. JOHN: I make a motion we move on to moose in
 24 15(B).

25
 26 MR. BASNAR: We have a motion to move on to moose in
 27 15(B), do I have a second?

28
 29 MR. LOHSE: Second.

30
 31 MR. BASNAR: All those in favor.

32
 33 IN UNISON: Aye.

34
 35 MR. BASNAR: Those opposed.

36
 37 (No opposing votes)

38
 39 MR. BASNAR: Essentially we just took no action on
 40 brown bear in 15(A). Moving to 15(B) moose, Cooper Landing,
 41 Minilchik and Seldovia. Taylor.

42
 43 MR. BRELSFORD: Thank you, Mr. Chairman. This does
 44 constitute the halfway point in our revisiting of these review
 45 comments that were put together in our work session on January
 46 26th, last year. So I think we're confirming the intentions of
 47 the Council on each of these items and in some instance able to
 48 add additional information and I think our time is well spent.

49
 50

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1 MR. BASNAR: So we are making progress.

2

3 MR. BRELSFORD: The suggestion of the Council was that
 the residents of Hope, Cooper Landing, Ninilchik and Seldovia
 would be recognized as having customary and traditional uses of
 moose in Unit 15(B). In the rationale statement, the previous
 discussion under Unit 7 concerning moose harvest practices by
 Hope and Cooper Landing residents is referenced including the
 mapped information that extends into Unit 15(B).

10

11 Concerning the community of Ninilchik, there's a
 previous discussion under Unit 15(A) moose, identifying the
 original, historic and contemporary harvest practices of
 Ninilchik residents. We see from this information that a
 portion of that harvest activity does occur in Unit 15(B). And
 that it -- although there is no specific map. There was no map
 available at the time of this documentation. It was considered
 quite likely that a portion of the harvest was, in fact,
 occurring on the Federal public lands in 15(B).

20

21 And I think that's the extend of the documentation
 available at the time of your discussion.

23

24 MR. BASNAR: Helga.

25

26 MS. EAKON: The Council did suggest leaving out
 Whittier and including only Hope, Ninilchik, Cooper Landing and
 Seldovia. Someone did bring up Nanwalek and Port Graham and
 Oskolkoff said that he knows friends who do hunt in that
 unit, but Mr. Breelsford clarified that their harvest use isn't
 documented in harvest records. With the end result that the
 Council suggested a c&t determination finding for moose in Unit
 15(B) for residents of Hope, Cooper Landing and Ninilchik and
 Seldovia.

35

36 MR. BASNAR: Okay, thank you. We do have Seldovia
 resident here, I'm going to work him to death. Do you want to
 talk to us any about moose in 15(B)?

39

40 MR. GRANDE: It's fine the way it is right now. I hunt
 there.

42

43 MR. BASNAR: The people in Seldovia in your time

44

45 MR. GRANDE: Definitely.

46

47 MR. BASNAR: definitely use that? Okay, thank
 you, that's important to us.

49

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1 I think the Board should make note of the fact that we
 2 did consider Nanwalek and Port Graham in our discussion a year
 3 ago. And that there was no justification, written
 4 justification to back up the use of it.

5
 6 Ralph.

7
 8 MR. LOHSE: I really do feel like we need to consider
 9 Nanwalek and Port Graham. I look at the map, I see where they
 10 are in comparison to Seldovia. I see that Gary gave us some
 11 information about people from there going up into that area to
 12 hunt and they are rural residents of that area. Just like in
 13 the past I would feel -- I can feel pretty bad about excluding
 14 them when they're access to it is the same access as Seldovia.
 15 I mean, they all have the same limitations and the same
 16 access.

17
 18 MR. BASNAR: What about the people in Whittier?

19
 20 MR. EWAN: Mr. Chairman, my position on that, I guess,
 21 was the last one here and they still -- those closest to that
 22 area should tell us what they recommend. I hate recommend, you
 23 know, no subsistence for a community. You know, I don't have
 24 that much information about that particular area and I don't.
 25 In this case here I don't really know what the history has been
 26 over the

27
 28 MR. BASNAR: I agree, but if we're going to discuss
 29 Nanwalek and Port Graham, I think we need to crank Whittier
 30 into the equation because the same situation applies. They're
 31 about equal distance from the hunting area that we're
 32 discussing. There could be many factors that exclude one or
 33 the other, but I think we need to -- if you're going to open
 34 that discussion up, discuss all three.

35
 36 MR. EWAN: Mr. Chairman, I just was wondering if there
 37 was somebody asking if they be included or are we just assuming
 38 they should be included?

39
 40 MR. BASNAR: Well, we have, so far, in our discussions
 41 today attempted to not exclude someone just as you suggested.
 42 And we've only made a couple of changes, to bring you up to
 43 speed, but we're trying to build a record for the Board so that
 44 they'll know that we thoroughly discussed everyone of these
 45 situations. And Ralph has suggested we need to take another
 46 look at Nanwalek, not wanting to exclude those people. So if
 47 we do that I think it's only fair that we take another look at
 48 Whittier. That doesn't mean that we have to treat all three
 49 communities the same. It does mean that if we're going to
 50

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 272-7515

reopen and look at them, we ought to include all three.

2

3 Council members, anyone else have an opinion on this?
 4 Fred.

5

6 MR. JOHN: Well, last time when we discuss it I just
 7 know we went on c&t determination which towns and which
 8 community had Native that lived on there a long time ago. We
 9 went on that. I don't think we put Whittier on because
 10 Whittier was one of the later ones in people and we didn't
 11 figure that. As I could remember they didn't really have c&t
 12 of a long standing hunting in that area because I don't think
 13 any Native ever lived there.

14

15 MR. BASNAR: No, but Natives did live in Nanwalek and
 16 Port Graham and we excluded them.

17

18 MR. HENRICHS: Mr. Chairman.

19

20 MR. BASNAR: Yes.

21

22 MR. HENRICHS: Nanwalek and Port Graham, I see in this
 23 testimony before that their use isn't documented in harvest
 24 records. That doesn't mean anything because those guys have
 25 been doing it for years, you know, they don't document
 26 everything that they do with harvest records.

27

28 MR. BASNAR: Do you have some knowledge of these people
 29 hunting up in that area specifically?

30

31 MR. HENRICHS: All I'm saying is that they say that it
 32 is not documented harvest records and I'm saying that doesn't
 33 mean that they don't do it.

34

35 MR. JOHN: That's right.

36

37 MR. HENRICHS: Because Native villages don't run and
 38 tell everybody when they go somewhere and shoot something and
 39 take it home. They take it home to eat it. They don't turn
 40 around and tell the world about it. That's the way it is, you
 41 know.

42

43 MR. BASNAR: We, in our discussion a year ago, we had
 44 go on what information was available to us at that time.

45

46 MR. HENRICHS: Right.

47

48 MR. BASNAR: And today if we can find some new
 49 information we'll certainly reopen that and reconsider. So

50

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that was why I asked you if you had some specific knowledge of those people there.

3

4 MR. HENRICHS: Not, specific, no.

5

6 MR. BASNAR: Okay, thank you. Yes, Ralph.

7

8 MR. LOHSE: Well, I'd like to ask Gary because, you know, in our minutes right here there's a statement by him that he says that he knows that they do hunt up there. And that he's had people from that area stop on the way back. And if that's the case -- that's the only reason I was even thinking of opening it up again was because of the fact that we had a member of the Council, here, say that he had personal knowledge of it.

16

17 MR. BASNAR: Gary, do you want to address that?

18

19 MR. OSKOLKOFF: That's correct, Mr. Chairman. To the present day the communities -- those communities, including Seldovia, are very closely tied together with Ninilchik and the people have traded goods for many a years. I went to school, in fact, with a number of folks from Nanwalek and Port Graham because they didn't have a high school in that area, so they went to school there. So I have a very intimate knowledge from these people I spent many years with of their use of the area.

27

28 And if they were -- I wish someone were here in every case from each one of these areas to simply sit down and tell us from their perspective, but from my perspective it was consistent, it's consistent in pre-documented times and it's consistent today using the other modes or modern modes of transportation, particularly for those communities. So I really don't see any reason to leave them out.

35

36 In the case of the discussion about Whittier, I can understand the logic there, that those patterns would have to be established and, yes, that's quite a ways to travel and a variety of other circumstances arise at that point, but I think that we have to be reasonable and assume that they probably took advantage wherever they could. And I'm telling you from my experience that is the case, that was the case, as far as I know, and that's where I'd stand on it.

44

45 MR. BASNAR: Okay, Council, we can reinforce; we can change; we can take no action; what's your pleasure?

47

48 MR. BRELSFORD: Mr. Chairman.

49

50

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1 MR. BASNAR: Taylor.

2

3 MR. BRELSFORD: For the benefit of drawing from the
4 information that you all have worked with in December and
5 January, last year, there were some maps presented to you at
6 the time and one of the historic use areas for Nanwalek and
7 Port Graham, and these were individual home interviews about
8 lifetime use areas. So this use area would cover the period
9 from 1880 to the present and it's conducted jointly among the
10 residents of both Nanwalek and Port Graham. And the use areas
11 extend along the south side of the Kenai Peninsula, on the
12 coast, up into the head waters of Kachemak Bay. And along the
13 coastal shelf of the Kenai Peninsula up about as far as
14 Kasiloff River, up about to the boundary of Unit 15(B).

15

16 The more recent effort to map contemporary use areas,
17 and in this case the period covered was from 1972 until 1982.
18 And at that point the map use area for moose for the
19 communities of Nanwalek and Port Graham extended from the Port
20 Dock (ph) area on the southside of the Peninsula up into the
21 head waters of Kachemak Bay up a ways into the Fox River Basin,
22 but at that point was no longer extending.

23

24 So if this information is -- this will need to be taken
25 into account in the discussion, in the decision that you offer.
26 I don't think it contradicts anything that has been said here
27 thus far, but it is part of the record and part of the
28 documentary basis for the Board's determinations and for your
29 consideration.

30

31 MR. BASNAR: Thank you. Ralph.

32

33 MR. LOHSE: Mr. Brelsford, in those maps right there,
34 did they include Seldovia, too; was Seldovia part of those c&ts
35 that were surveyed? It just seems -- I'm just trying to figure
36 out how those communities that can be so close together can
37 have such different use patterns. Or do they have a different
38 use pattern?

39

40 MR. BRELSFORD: My recollection was that all three
41 communities were surveyed in the same study, but that they may
42 have combined the maps for one -- for Nanwalek and Port Graham
43 and not for Seldovia. But as I look through here I'm not
44 finding Seldovia use maps. The source of the information
45 regarding Seldovia was harvest tickets, which are a separate
46 source, and, you know, they can refer to a few individuals
47 who've traveled a further distance from a community. They're
48 not, perhaps, as accurate a reflection of long standing
49 patterns that are widely shared within a community. Whereas

50

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272-7515

the use maps are certainly focused on identifying the pattern of the community as a whole. So I think they're somewhat separate sources of information that have been taken into consideration. I don't see the maps for the maps for Seldovia as part of our earlier documentation.

6
7 MR. BASNAR: That map helps me remember what the discussion was and it also helps explain why we took the action we took a year ago, because these maps, as I recall, were drawn by the residents, themselves, as to where they had traditionally harvested moose. And they didn't say that they had ever harvested moose up in 15(A). Am I correct in that, Taylor?

14
15 MR. BRELSFORD: 15(B) is the unit under consideration.

16
17 MR. BASNAR: Or (B), I'm sorry.

18
19 MR. BRELSFORD: I think the use area extending up the east of the Kenai Peninsula ends at about the Kasiloff River, almost exactly at the boundary of -- the boundary between 15(B) and 15(C).

23
24 MR. BASNAR: I think that's why we took the action we did was because no one used it, they didn't claim they used it, therefore, they would not have c&t use of that particular area. That's not to say we can't change our minds here, but that's why we did what we did last year. Did the people in Whittier indicate they had ever hunted moose over in that area when they were surveyed? Maybe that puts the whole issue to bed, they never use it either.

32
33 MR. BRELSFORD: And for the benefit of the Council and of the public, additional copies of this documentation are available on the table in the very back. So if people wanted use some of the slow time in the discussion to look at this, it's available.

38
39 The moose hunting area documented for the community of Whittier focuses almost exclusively on Unit 7, it's circumscribed here. There's a very small portion of it that comes down below the Unit 15 boundary.

43
44 MR. BASNAR: Okay. So there, again, probably we decided to leave Whittier out because not enough people have ever used the little piece of terrain there to bother with it. Why would they go that far if they could find a moose closer home? I, personally, am comfortable with our findings of a year ago, I don't -- having looked at the map and reviewed the

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1007 WEST THIRD AVENUE
272-7515

information, I'm comfortable with it. Council?

2

3 MR. EWAN: Mr. Chairman, I'll just repeat what I said.
4 Unless there's, you know, someone where saying that we should
5 be included or somebody strongly recommending somebody, like,
6 Gary Oskolkoff, I would stay with my, you know, our original
7 position. I'll go along with Gary if he wants to recommend
8 that we do include these communities. I respect people that
9 are closer to the community and know the people. I don't know
10 the people down in that area very well, I don't know there
11 hunting history.

12

13 I know in my particular area, the Copper River area, I
14 have kind of general knowledge of where people hunt and how
15 people feel, so I can speak for that area. Here I feel kind of
16 uncomfortable without anybody coming to the meeting saying we
17 should be included. I haven't heard anybody say that we should
18 be included or someone yet. I don't know if Gary -- are you
19 recommending that we should include -- you just said that you
20 had some knowledge of them hunting in that area.

21

22 MR. OSKOLKOFF: And with that, Mr. Chairman, I would
23 commend that we include them. I think we're -- and I say
24 this with regard to the officials in the room, but I think we
25 rely so heavily upon surveys and information. And, frankly,
26 some of it tends to create a -- which seems like a fact that
27 doesn't really exist. And I -- I mean, I could go into all
28 kinds of discussion on why sampling a portion of a community
29 doesn't necessarily get to those people that may, indeed, be
30 hunting.

31

32 But there's one thing that I think the Council should
33 take into account, is that these two communities, Nanwalek and
34 Bart Graham, are, in Western terms, relatively unsophisticated
35 compared with that of Seldovia. The use of harvest tickets
36 and traditional schooling and a variety of other things were
37 Johnnie-come-lately's there. And they probably don't have the
38 documented proof as far as written documentation or harvest
39 tickets or those kind of things. A lot of that -- I spent time
40 with my friends, some who are older, some who are younger with
41 me, in Ninilchik, when they spent time in Ninilchik, explaining
42 a lot of things that, frankly, they had never seen before.

43

44 Now, Seldovia is a little different matter and I think
45 the gentleman from Seldovia can bear me out on this. Seldovia
46 was a trading community long ago. Long before there was a road
47 system to Ninilchik or to Kenai or to anything else. It was
48 widely used trading community. In fact, two of my sisters were
49 born in Seldovia because that's where the hospital was and

50

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1007 WEST THIRD AVENUE
272-7515

that's where the doctor was when I was a kid, it wasn't in Homer.

3

4 So unless we take some kind of perspective from the --
5 from reality, these reports and these harvest ticket data and
6 all of these information is to me a minor component of the
7 decision. And I really feel that we're missing the boat by not
8 having a chance to talk to those people. If we were in
9 Nanwalek or Port Graham it would be different. And if they
10 said something different from what they told me, that's their
11 business. And how they wanted to respond to questions that
12 were asked and how they wanted to draw a map for questions that
13 were asked and who were the people that were asked those
14 questions at the time, all have to be answered. All those
15 questions have to be answered before you can put a lot of
16 credibility to it, simply because of the fact that it's written
17 at this time.

18

19 I find in Western Culture one of the hardest things to
20 believe is that if it's written or documented for some reason
21 it becomes the gospel. And I spoke upon this a year ago and
22 simply because it's been lived and non-recorded, for some
23 reason, it isn't valid until such time as it's recorded. I
24 really think we have to take -- I really think it's our job as
25 the Advisory Council to take this into -- what we know into
26 consideration. And in this particular instance I know it as
27 fact and that's simply the case and I very strongly recommend
28 that we include those two communities.

29 MR. BASNAR: Okay. If you want us to act upon it then
30 we would need it in the form of a motion to take any action.

31

32 MR. OSKOLKOFF: Mr. Chairman, I'll make a motion for a
33 customary and traditional use finding for the residents of
34 Hope, Cooper Landing, Ninilchik, Seldovia, Port Graham and
35 Nanwalek for Unit 15(B) for moose on Federal lands.

36

37 MR. BASNAR: We have a motion, do we have a second?

38

39 MR. HENRICHS: Second.

40

41 MR. BASNAR: Any further discussion on this particular
42 issue?

43

44 MR. LOHSE: Mr. Chairman.

45

46 MR. BASNAR: Ralph.

47

48 MR. LOHSE: Just with going along in what our original
49 discussions when we discussed c&t, the fact that we want to be

50

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1007 WEST THIRD AVENUE
272-7515

as inclusive as we possibly can while being fair. And from my standpoint it's really hard for me to imagine you've got three communities that close together and that one would make use of the area and the other two wouldn't. I would rather take a chance on being too inclusive to people who are subsistence users as opposed to being exclusive to people who, probably out of the whole group we're looking at here, are the most subsistence orientated communities in the area.

9

10 MR. BASNAR: Thank you. Any further discussion?

11

12 MR. OSKOLKOFF: Question.

13

14 MR. EWAN: I

15

16 MR. OSKOLKOFF: Sorry.

17

18 MR. BASNAR: Excuse me, Roy.

19

20 MR. EWAN: That's all right. I just want to say I'm in favor of the motion. And to add to -- a little bit to what Gary said, you know, we put too much emphasis on written stuff. A lot of the data that comes from the Bush areas, you know, really is not understood by a lot -- a majority of the people that you're surveying. That's one thing that a lot of people ought to remember. Native people, say 60 years old long, you're asking them questions, they'll be wondering why you're asking questions -- these questions, and maybe give you only partial answers, not knowing what you're really asking or why you're asking this. So sometimes, they give -- it's not a accurate ans- -- I mean a real true answer that you get with all the information. I just wanted to add that.

33

34 I'm in favor of the motion, Mr. Chairman.

35

36 MR. BASNAR: Thank you. Further discussion?

37

38 MR. OSKOLKOFF: Question.

39

40 MR. BASNAR: The question's been called. All in favor of the motion to include Hope, Cooper Landing, Ninilchik, Eldovia, Port Graham and Nanwalek as C&T use of 15(B) moose signify by saying aye.

44

45 IN UNISON: Aye.

46

47 MR. BASNAR: Those opposed?

48

49 (No opposing responses)

50

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1007 WEST THIRD AVENUE
272-7515

1
2 MR. BASNAR: Motion carries unanimously. I'd also like
3 the Board to take notice of the fact that we went back and
4 looked at this situation, and we have changed our opinion
5 from a year ago, and that this supersedes the decision we made
6 last January.

7
8 Unit 15(B) caribou, Ninilchik residents.

9
10 MR. BRELSFORD: Thank you, Mr. Chairman.

11
12 MR. BASNAR: Taylor.

13
14 MR. BRELSFORD: The rationale for the Council's
15 suggestion that residents of Ninilchik be found to have
16 customary and traditional uses is based on the aboriginal
17 traditions which extended well into the past. From early in
18 this century, caribou were extirpated at that point. But both
19 the historic records and in the Council discussion there was
20 acknowledgement of the long-standing aboriginal tradition up to
21 that time.

22
23 MR. BASNAR: Thank you. Helga.

24
25 MS. EAKON: The Council supported this determination
26 and put credence in Mr. Oskolkoff's statement that based on
27 local traditional knowledge, Ninilchik residents did hunt
28 caribou not only historically but in contemporary times in
29 Unit 15(B).

30
31 MR. BASNAR: Thank you. I think it's important to only
32 sort of comment here. I think it's important that the Board
33 realize that even though the map use areas and the harvest
34 buckets indicated that there was no harvest of caribou in that
35 area, we have considered aboriginal use and the spoken word as
36 opposed to the written word on this. And I think the Board
37 needs to take that into consideration and knowing that we did
38 when we came up with this.

39
40 So I have a motion on -- or any further discussion
41 before a motion on caribou in 15(B) for Ninilchik?

42
43 MR. ROMIG: Mr. Chairman.

44
45 MR. BASNAR: Ben.

46
47 MR. ROMIG: I was wondering if Mr. Spraker could
48 enlighten us on the caribou herd in 15(B).

49
50

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1007 WEST THIRD AVENUE
272-7515

1 MR. BASNAR: Ted.

2

3 MR. SPRAKER: Mr. Chairman. As far as for caribou
 4 numbers and distribution in Subunit 15(B), through efforts with
 5 the Fish & Wildlife Service and the Department of Fish & Game
 6 in 1985 and '86, we were able to establish three small herds in
 7 that area. These caribou were captured in the Nelchina Basin
 8 and brought down to the Kenai during those two years.
 9 Currently, we have about 400 caribou in 15(B) and 15(C),
 10 there's actually three herds. And there's -- one of these
 11 herds is in 15(C), it's in the Fox River, Truuli Glacier area.
 12 There's about 83 head of caribou in that 15(C) herd.

13

14 This herd has only been hunted one time in 15(B), that
 15 was last year. There were a total of 25 permits issued.
 16 Hunters were able to harvest 10 bulls and one cow. I do have
 17 the records for who hunted those animals if you're curious as
 18 to where they live. But other than that, are there any
 19 questions?

20

21 MR. HEINRICHS: I guess my question was -- well, that
 22 you said you introduced these herds in the mid-'80s. Prior to
 23 that, what knowledge do you have of the herds? I know there's
 24 like the Caribou Hills in 15(B), was there a herd there?

25

26 MR. SPRAKER: Excuse me. Are you asking about
 27 historically on the Kenai?

28

29 MR. HEINRICHS: Yeah. I'm asking was there

30

31 MR. SPRAKER: Well, I've done a lot of looking into
 32 that trying to review some of the records that's contained by
 33 Fish & Wildlife Service and the records that we have. And
 34 about the only report that I've ever found that gives any
 35 information about caribou historically is a report written by
 36 Palmer in 1938. And as Taylor has mentioned several times,
 37 caribou were gone from the Kenai by about 1912.

38

39 The thing that I have not been able to find is how
 40 widespread caribou were or how dense the population was during
 41 those times. There are no records that indicate there were
 42 hundreds or maybe there were thousands of caribou on the Kenai.
 43 It's logical to believe that the caribou were probably never
 44 very numerous on the Kenai because of the amount of habitat
 45 available when you compare it to habitats like the Mulchatna,
 46 the Western Arctic where there's literally thousands and
 47 thousands of caribou.

48

49 Another thing that I have found that was interesting is

50

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 272-7515

On the time that I have been on the Kenai, which is about 17 years now for the Fish & Game, I only have two reports of Caribou antlers being found that were from the early part of this century. And they were found -- there was one set found in the Caribou Hills and one set found just north of Tustumena Lake in that Skilak/Tustumena bench, which is probably some of the best habitat we have, with the exception of Unit 7 where the Kenai Mountains Herd now lives.

9

10 MR. HEINRICHS: Well,

11

12 MR. BASNAR: Yes.

13

14 MR. HEINRICHS: yeah, I got a question here, I'm just curious. You got the herd up to 80 and then you issued permits to kill a third of it? Is that all the range would support or what? And then they couldn't find 25, they only got 18 or something.

19

20 MR. SPRAKER: Sir, we got the eight- -- the herd up to 200 and then issued

22

23 MR. HEINRICHS: Four hundred.

24

25 MR. SPRAKER: 25 permits.

26

27 MR. HEINRICHS: Okay, I see.

28

29 MR. SPRAKER: We started with 80.

30

31 MR. HEINRICHS: I see, okay. Yeah.

32

33 MR. SPRAKER: In fact, we probably started with

34

35 MR. HEINRICHS: Okay.

36

37 MR. SPRAKER: We lost some. We probably started with 60 or so.

39

40 MR. HEINRICHS: I know 'cause we raised moose in Cordova, that's how we got them.

42

43 MR. SPRAKER: Right, in the '50s.

44

45 MR. HEINRICHS: So I'm real familiar with that.

46

47 MR. SPRAKER: It's been very successful.

48

49 MR. EWAN: Mr. Chairman.

50

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1007 WEST THIRD AVENUE
272-7515

1
2 MR. BASNAR: Yes, Roy.
3
4 MR. EWAN: That's from a low of what to 400? How low
was that herd?
6
7 UNIDENTIFIED VOICE: No, it's gone.
8
9 MR. EWAN: Zero?
10
11 MR. SPRAKER: Zero. There were no caribou in 15(B)
prior to 1985 and there were none in 15(C). And the caribou
were brought in in '85, we brought in 52 -- or 28 actually, and
then in '86 we brought in 52 more for a total of 80, and that
started these three herds in 15(B) and 15(C).
16
17 MR. BASNAR: Okay. So essentially, as I understand it,
we're talking about a recent phenomenon on subsistence use of
caribou and there are no records of prior subsistence use. I'm
talking about the written record prior to the 1980s.
21
22 MR. SPRAKER: Mr. Chairman. There's certainly no
written records, but I am sure that, you know, if they were
there, people probably made use of them.
25
26 MR. BASNAR: Sure.
27
28 MR. SPRAKER: But we have no records of it.
29
30 MR. BASNAR: Okay. Thank you. Council, Ninilchik
Residents, 15(B) caribou. Ralph.
32
33 MR. LOHSE: I'd like to ask Councilman Gary a question.
Has there been any archaeological studies or anything done in
your area that has, you know, found caribou bones and stuff
like that in the midden piles?
37
38 MR. OSKOLKOFF: Not that I'm aware of. There's -- and
there are probably close to a hundred campsites, none of which
I know that have been dug as we call it, primarily because
they're -- it's considered a secret and that information isn't
delayed. I know -- and I don't know if Clare is still here. I
believe in -- the Kenaitze had the University of Alaska do some
work on a site there or two. And there may be more evidence
discovered in the near future here simply because some of the
sites are now in the way of development and some information
may become available. But no, there is no information from
that.
49
50

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1007 WEST THIRD AVENUE
272-7515

1 MR. BASNAR: Any other comments? To take action, we
need a motion.

3

4 MR. OSKOLKOFF: Mr. Chairman, I'll make a motion for a
customary and traditional use finding for the residents of
Ninilchik, Unit 15(B) for caribou on Federal land.

7

8 MR. JOHN: I second it.

9

10 MR. BASNAR: We have a motion and a second. Any
further discussion on the motion?

12

13 MR. LOHSE: Mr. Chairman.

14

15 MR. BASNAR: Yes, Ralph.

16

17 MR. LOHSE: Again, I'd like to ask our resident of
Ninilchik, I noticed in our comments and our minutes from
previous times, there's a couple comments by Gary basically
that says that you have local traditions from Ninilchik of
taking caribou in time past.

22

23 MR. OSKOLKOFF: Um-hum.

24

25 MR. LOHSE: You pretty much still hold to that, don't
you?

27

28 MR. OSKOLKOFF: Yes. And in the information that's
passed down -- that has been passed down to me from my father
and from his father is that there were many caribou and, of
course, located in the area that Mr. Spraker described; the
area we call the Caribou Hills. And that they were reasonably
abundant. And the way it's described or has been described to
me is that the -- this was a static part of the diet as far as
there were boom and bust cycles, somewhat more obvious than
what we have nowadays with the management systems we use. And
that that was one of the food sources that were used to
supplement the moose harvest.

39

40 I -- like I say, the area is called the Caribou Hills,
there are many a stories. I don't want to argue with the
technical staff here, but I have seen caribou, unfortunately
only one, in my younger years in I believe it was 1974 or 1975,
just north of Ninilchik near my father's homestead. So I have
no doubt that at some time there were probably considerably
more than what's there now.

47

48 I think you have to take into account too in the change
in environment that has -- that exists in -- on the Kenai

50

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1007 WEST THIRD AVENUE
272-7515

Peninsula, with the recession of the glaciers and whatnot. The various ways that moss has, you know, eventually come to mean brush was growing there, and brush growing there and grasses eventually meant that there were trees there and those kind of things. At different times things would go in a cycle. The burns since at least the 1940s have been kept to a minimum, but used to rage up and down the Peninsula and are quite well-known.

9

10 But as far as information directly on the caribou
11 itself, that information is imparted to me in no uncertain
12 terms that that did exist at one time. And in fact it's
13 considered as a rather lofty remembrance of the good days of
14 the ancestors. And that's where I have gotten my information
15 from.

16

17 MR. BASNAR: Thank you, Gary. Any further discussion
18 on the motion? Being no further discussion

19

20 UNIDENTIFIED VOICE: Question.

21

22 MR. BASNAR: The question's been called. All those in
23 favor signify by saying aye.

24

25 IN UNISON: Aye.

26

27 MR. BASNAR: Those opposed?

28

29 (No opposing responses)

30

31 MR. BASNAR: Motion carries. Again, I think it's
32 important to note that we're relying on some traditional
33 knowledge as opposed to some current documentation in our
34 deliberations.

35

36 15(B) sheep.

37

38 MR. BRELSFORD: Thank you, Mr. Chairman. The
39 suggestion of the Regional Council in the January informational
40 meeting was that the residents of Cooper Landing and Ninilchik
41 would have customary and traditional uses of sheep in
42 Unit 15(B). I think the historic and contemporary pattern of
43 sheep harvest by Cooper Landing was discussed previously as was
44 the levels of harvest and participation in harvest effort by
45 Ninilchik residents.

46

47 The map for Cooper Landing residents includes several
48 ones within the Federal public lands in Unit 15(B); while in
49 the case of Ninilchik residents, it's primarily harvest tickets

50

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1007 WEST THIRD AVENUE
272-7515

that indicate their usage in the contemporary period. Some of the figures are cited there. And while no mapped information was available for Ninilchik at the time, it was considered probable that those harvests, too, occurred within the Federal Lands of Unit 15(B).

6
7 MR. BASNAR: Thank you. Helga.

8
9 MS. EAKON: The Council supported the C&T finding for Ninilchik and Cooper Landing; although, Mr. Basnar did note that he was getting a little bit uncomfortable about continuing to exclude the Homer rural area.

13
14 MR. BASNAR: Thank you. Council, comments, questions?

15
16 MR. LOHSE: I'd like to

17
18 MR. BASNAR: Ralph.

19
20 MR. LOHSE: just ask our biologist a question. Are there any sheep in 15(B) that aren't on Federal land?

22
23 MR. SPRAKER: (Inaudible response.)

24
25 MR. LOHSE: So all of the sheep that would be in 15(B) would be on Federal land?

27
28 MR. SPRAKER: Yes, sir (ph).

29
30 MR. BASNAR: The answer was no and yes. Did you get that?

32
33 COURT REPORTER: Thank you.

34
35 MR. BASNAR: I'll save you a trip up here, Mr. Spraker. Any other comments?

37
38 MR. LOHSE: I move we find a C&T determination for the residents of Cooper Landing and Ninilchik for sheep in 15(B) on Federal land.

41
42 MR. JOHN: I second.

43
44 MR. BASNAR: A motion and a second. Is there further discussion?

46
47 MR. ROMIG: Question.

48
49 MR. BASNAR: The question's been called. All in favor
50

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1007 WEST THIRD AVENUE
272-7515

1 of the motion signify by aye.

2

3 IN UNISON: Aye.

4

5 MR. BASNAR: Those opposed?

6

7 (No opposing responses)

8

9 MR. BASNAR: Motion carries. 15(B) goat.

10

11 MR. BRELSFORD: Thank you, Mr. Chairman. The
 12 suggestion of the Regional Council was that the residents of
 13 Cooper Landing and Ninilchik would be included as having
 14 customary and traditional uses of goat in 15(B). In the case
 15 of Cooper Landing residents, a combination of harvest ticket
 16 and mapped information documented this use pattern. In the
 17 case of Ninilchik, it was the knowledgeable Council Members'
 18 information that indicated that Ninilchik residents have an
 19 original pattern of goat harvest in Unit 15(B). Goat --
 20 pardon me. Maps and harvest tickets did not indicate goat
 21 hunting activity by other community residents in Unit 15(B).

22

23 MR. EWAN: Thank you. Helga.

24

25 MS. EAKON: The Council supported the C&T determination
 26 for goat in Unit 15(B) for residents of Cooper Landing first of
 27 all and then Ninilchik.

28

29 MR. BASNAR: Thank you. Council, questions,
 30 discussion?

31

32 MR. LOHSE: Well, again, we have evidence for --
 33 Mr. Chairman. We have evidence for Cooper Landing and we have
 34 the same kind of information for Ninilchik that we've accepted
 35 in several other instances. So I would have to find a
 36 determination for C&T for Cooper Landing and Ninilchik for
 37 goats in 15(B) on Federal land.

38

39 MR. EWAN: You moved?

40

41 MR. BASNAR: Is that a motion?

42

43 MR. LOHSE: I so move, yes.

44

45 MR. EWAN: I'll second.

46

47 MR. BASNAR: Okay. It's been moved and seconded.
 48 Discussion?

49

50

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1007 WEST THIRD AVENUE
 272-7515

1 MR. JOHN: Question.

2

3 MR. EWAN: The question's been called, but if you'd
 4 allow me to make one comment first, Fred. I think that we are
 5 being consistent here, and I think that's important to build
 6 our record. We're consistently applying the same yardstick to
 7 these communities insofar as the information is available to
 8 us.

9

10 Okay. The question has been called, those in favor
 11 signify by aye.

12

13 IN UNISON: Aye.

14

15 MR. BASNAR: Those opposed?

16

17 (No opposing responses)

18

19 MR. BASNAR: Motion carries. 15(B) black bear.

20

21 MR. BRELSFORD: Yes, Mr. Chairman. The review comments
 22 of the Council in our January work session indicated that the
 23 residents of Hope, Cooper Landing and Ninilchik would have
 24 customary and traditional use of black bear in Unit 15(B). A
 25 series of points concerning aboriginal, historic and
 26 contemporary harvest practices were discussed previously under
 27 Unit 7 and Unit 15(A), black bear. These included the
 28 community studies that indicated harvest activity as well as
 29 sealing records and mapped information, particularly in the
 30 case of Hope and Cooper Landing. For Ninilchik, the
 31 documentation is found in the harvest tickets and sealing
 32 records that were recorded during the period 1973 to 1991. So
 33 these were the sources of positive information regarding use
 34 patterns by these three communities.

35

36 MR. BASNAR: Thank you. Helga.

37

38 MS. EAKON: The Council supported a C&T finding for
 39 black bear in Unit 15(B) for residents of Hope, Cooper Landing
 40 and Ninilchik. And it was pointed out by Mr. Lohse that the
 41 Homer rural area should be left out because why would they
 42 travel all the way up there when they have black bear in their
 43 backyard.

44

45 MR. BASNAR: Thank you. Council.

46

47 MR. OSKOLKOFF: Mr. Chairman.

48

49 MR. BASNAR: Yes, Gary.

50

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810 N STREET
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1007 WEST THIRD AVENUE
 272-7515

1
2 MR. OSKOLKOFF: I'll move for a customary and
3 traditional use finding for the residents of Hope, Cooper
4 Landing and Ninilchik in Unit 15(B) for black bear on Federal
5 land.

6
7 MR. EWAN: I'll second.

8
9 MR. BASNAR: We have a motion and a second.
10 Discussion? At this point, I'd like to point out to Chairman
11 Ewan that he wasn't here this morning, we had decided to re-
12 look at the Homer rural area and put it on our agenda at our
13 next meeting.

14
15 MR. EWAN: Question.

16
17 MR. BASNAR: The question's been called. Those in
18 favor of the motion signify by saying aye.

19
20 IN UNISON: Aye.

21
22 MR. BASNAR: Those opposed?

23
24 (No opposing responses)

25
26 MR. BASNAR: Motion carries.

27
28 MR. BRELSFORD: Just a second.

29
30 MR. BASNAR: 15(B) brown bear.

31
32 MR. BRELSFORD: Yes. Thank you, Mr. Chairman.

33
34 MR. BASNAR: Am I hurrying you too much?

35
36 MR. BRELSFORD: Pardon me?

37
38 MR. BASNAR: Am I hurrying you too much?

39
40 MR. BRELSFORD: No. It took three of us to figure out
41 who seconded. Roy kind of winked up there.

42
43 MR. BASNAR: Okay. Taylor.

44
45 MR. BRELSFORD: Okay. Concerning brown bear in
46 Unit 15(B), the Council offered the review comments similar to
47 our views regarding brown bear in Unit 7 and 15(A); that is to
48 say that the low and irregular rates of harvest. And the
49 indication in the community studies that these were not for
50

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food consumption led you to conclude that there were no
qualifying customary and traditional uses of brown bear on
Federal public lands in Unit 15(B).

4

5 MR. BASNAR: Helga.

6

7 MS. EAKON: The Council took no action for brown bear
in Unit 15(B).

9

10 MR. BASNAR: Thank you. Council. Hearing no
discussion, no motion, we'll take no action on 15(B) brown
bear. Moving onto 15(C) moose. Taylor.

13

14 MR. BRELSFORD: I don't want to be the first one to ask
for an Emergency up here, so one of you guys say something
about a break, huh.

17

18 MR. BASNAR: You saw me considering that but it's too
early.

20

21 MR. BRELSFORD: You're nothing but slave drivers.
Okay. Thank you. Concerning the use of moose in Unit 15, the
Council's suggestions were that the communities of Ninilchik,
Nanwalek, Port Graham and Seldovia would have customary and
additional uses. I think it's important to note that we've
now moved to the core areas. This is actually the unit in
which these communities are all located, and that's different
than what we've been doing in Unit 15(B).

29

30 So turning to the community of Ninilchik, the community
studies and harvest tickets both indicate a pretty significant
level of harvest effort and harvest success for moose in
Unit 15(C). There was no mapped documentation at that time;
however, it was quite clear that the effort -- moose hunting
effort by Ninilchik residents was heavily documented both in
the coding units immediately north and south of the community,
and a portion of that extends to the east into the Federal
lands of the Kenai National Wildlife Refuge.

39

40 Concerning the residents of Nanwalek and Port Graham,
there are strong aboriginal, historic and contemporary
traditions of moose harvest. Although, in the current decade,
harvest levels are relatively low. We discussed at -- in an
earlier occasion and again looked at the maps today the fact
that since the 1960s some of the harvest areas by residents of
Nanwalek and Port Graham have been displaced from the road
connected Kenai Peninsula to focus more on the area south of
Kachemak Bay. That is to say there's been growth in the road
system and increasing competition. And so more of the effort

50

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1s deployed now south of Kachemak Bay and not as much up into
the Kenai Peninsula proper.

3

4 We had some discussion about the geographic -- the
5 extent of harvest effort in the Fox River Valley. Because if
6 you'll recall, the Federal lands don't occur until some
7 distance into the valley. My recollection is it's about 15
8 miles. And in your judgment, the maps and the narrative
9 information suggested that the use pattern does, in fact,
10 extend up into the Federal public lands.

11

12 In regard to the community of Seldovia, there was
13 documentation from the aboriginal, historic and contemporary
14 periods, including community studies and harvest ticket
15 information. And again, the matter of overlap, whether the
16 contemporary uses extend up into the Federal public lands, was
17 raised before and you were satisfied that they did. So the
18 Council's conclusion was to suggest or offer the review
19 comments that these four communities would have C&T uses of
20 those in Unit 15(C).

21

22 MR. BASNAR: Thank you, Taylor. Helga.

23

24 MS. EAKON: The Council supported a C&T determination
25 for moose in 15(B) for residents of Ninilchik, Nanwalek, Port
26 Graham and Seldovia. And during that discussion, Mr. Oskolkoff
27 noted that the Homer rural area, there's (ph) no further study.

28

29 MR. BASNAR: Thank you. Council, comments, questions?

30

31 MR. OSKOLKOFF: Mr. Chairman.

32

33 MR. BASNAR: Yes, Gary.

34

35 MR. OSKOLKOFF: I'm glad to be in -- finally in
36 Unit 15(C) and that we --

37

38 MR. BASNAR: Closer to home, huh?

39

40 MR. OSKOLKOFF: that we have a great deal of non-
41 conflicting information, both oral/written study, moose tags,
42 all this stuff. And with that, I'll ask -- or move for a
43 customary and traditional use determination for the residents
44 of Ninilchik, Nanwalek, Port Graham and Seldovia for Unit 15(C)
45 for moose on Federal lands.

46

47 MR. JOHN: I second it.

48

49 MR. BASNAR: Fred seconded. Discussion?

50

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1
2 MR. LOHSE: Mr. Chairman.

3
4 MR. BASNAR: Yes, Ralph.

5
6 MR. LOHSE: Just as we noted on our last study of it,
7 this is the area that if we're going to address the Homer rural
8 area, this is going to be the area where we're going to have to
9 address it at. And since we've put it on the agenda for in the
10 future, I would suggest that when that time comes, we start
11 with this area instead of ending with this area. And address
12 this is where the issue -- this is where the issue really
13 comes on the Homer rural area is on moose in 15(C), and that's
14 where we're going to have to address it. Just like I moved in
15 the past that we needed to address it at this point in time.

16
17 MR. BASNAR: Okay. Any other comments? I agree with
18 Ralph that we need to place that high on the agenda for the
19 next meeting, and maybe the first shot out of the gun. There
20 are also some other considerations on the Kenai north of Kenai
21 itself. Is there any population up in that area that's being
22 dropped through the crack? I don't know that area very well.
23 Gary.

24
25 MR. OSKOLKOFF: You're talking about the area
26 that's

27
28 MR. BASNAR: Yeah.

29
30 MR. OSKOLKOFF: just north

31
32 MR. BASNAR: Is there any rural area that -- are we
33 dropping anybody else out that we need to put on the next
34 agenda?

35
36 MR. OSKOLKOFF: I believe that the -- that that is part
37 of what's called the Kenai rural area. So I think it all fits
38 together.

39
40 MR. BASNAR: Okay.

41
42 MR. OSKOLKOFF: I think really a discussion, like I
43 say, has to be made on the concept of rural area itself, and we
44 need to include everyone in that. I also think there's a
45 number of other details that we'll want to discuss at the time,
46 and that will be brought up when we do it. And I agree that
47 it's -- it should be a very high priority at the next meeting.

48
49 MR. BASNAR: Thank you. Helga.

50

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1
2 MS. EAKON: Mr. Chair. If Homer rural area is out and
Ninilchik is in, where is the boundary; how are you going to
delineate?

5
6 MR. BASNAR: We're going to look at that next meeting.

7
8 MR. OSKOLKOFF: Okay. Mr. Chairman, that's exactly the
kind of questions I was referring to. And that's why I think
it's such a high priority. And I think there's -- if I may. I
think there's other questions; hunt, the time of season and the
timing of the season in the year and a variety of other
questions that'll come up. And I think those really need to be
discussed by us.

15
16 MR. BASNAR: Okay. Any further discussion on the
motion?

18
19 MR. OSKOLKOFF: Question.

20
21 MR. BASNAR: The question's been called. All in favor
of the motion signify by saying aye.

23
24 IN UNISON: Aye.

25
26 MR. BASNAR: Those opposed?

27
28 (No opposing responses)

29
30 MR. BASNAR: Motion carries. 15(C) caribou. Taylor.
Well, just -- need a break do you? We'll take 10 minutes.

32
33 (Off record)

34
35 (On record)

36
37 MR. BASNAR: The meeting will come back to order,
please. I'd like to deviate a little bit from the schedule
right now, but that's with your permission. If this
inconveniences anyone, we will continue with the schedule. But
we would like to move onto the Upper Tanana so the Park Service
people who have got to take a long journey out to Northway
tomorrow to attend another meeting can be sure to get their
presentation in to us. However, if there's anyone here from
the Kenai or anyone from the Staff that this inconveniences, we
will continue to discuss these last four proposals on the Kenai
C&T. Is there anyone that objects to us changing the schedule
here? How long will this take, Janis?

49
50

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1 MS. MELDRUM: My presentation is probably about 15
 2 minutes. It really depends on whether this Council wants to
 3 try and take some action today or not. But I could lay the
 4 basic groundwork for you, and if you chose to take some action,
 5 you could pick it up tomorrow after we get (indiscernible -
 6 background coughing) materials (indiscernible - interrupted).
 7

8 MR. BASNAR: Okay. Well, I'd like to make sure we get
 9 the information from you. We can at that point, perhaps,
 10 switch horses again and go back and finish Kenai, and then if
 11 we have time today, go back to this. I don't like jumping
 12 around that much, but I want to make sure that information's
 13 available to us. Is there anyone that objects to this? Any
 14 Council Members who would prefer to
 15

16 MR. LOHSE: It's be nice to have a break.
 17

18 MR. BASNAR: Okay. Hearing no objections, we will now
 19 move to the Park Service's presentation on C&T on the Upper
 20 Tanana Region. Janis, you're on.
 21

22 (Off record comments)
 23

24 MS. MELDRUM: For people in the audience, if you want
 25 follow along, the main information that I'll be presenting
 26 today is in this pink book and they're on the back table.
 27

28 I'd like to just kind of go back a little bit and
 29 explain to people who maybe haven't been involved in this
 30 process where we've been so far so everybody has the same
 31 understanding. Last January, a little over a year ago, we
 32 released a draft report on the analysis that we did on the
 33 Upper Tanana communities of Dot Lake, Tetlin, Tana Cross,
 34 Northway and Tok, and asked for people's comments on that,
 35 about whether it was accurate and had all the information in
 36 there they felt should be in there.
 37

38 And after about four months of review time, we
 39 collected comments from people in the communities. Many of the
 40 comments came from Tok or were about Tok, and their numbers and
 41 volume nearly approached the size of this blue document here;
 42 we had a lot of them. After that April deadline, we produced
 43 this, what we've called the Final Report on Upper Tanana
 44 Customary and Traditional Use. We never said that people
 45 couldn't add or object to what was in here. We just simply
 46 said we won't keep trying to update this and reproduce it
 47 cause it's very costly to do that. So we left the door open
 48 for people to give us more information, but since April we
 49 haven't gotten any new information to add to this booklet that
 50

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We gave you earlier.

2

3 And what we tried to do was use the information in this
4 final report to put together a conclusion which was presented
5 to this Council and the Eastern Interior Regional Advisory
6 Council last fall. And in your meeting in Soldotna, we talked
7 about this purple book which were the proposed conclusions that
8 were prepared by the Board Staff.

9

10 When this was presented to the Eastern Interior
11 Regional Advisory Council in Tok last October, the reaction was
12 they didn't feel that -- they felt like the conclusion that was
13 prepared here was too restrictive. There were the issues of
14 where the community boundaries were were very divisive and it
15 really paralyzed the Council. They had a difficult time
16 dealing with the whole concept of trying to put a boundary
17 around these communities, especially at the point where we were
18 trying to ask them to give us their comments on how well this
19 proposal fit their needs or to generate another one. It just
20 became very divisive for the Council.

21

22 What they ended up being able to accomplish at that
23 meeting was they developed a proposal which we're now calling
24 Alternative B, that to them would be a more liberal
25 interpretation of the information in this blue book. It would
26 allow people to hunt more species at a given time. Their
27 thinking was that if you go out to hunt one species, you'll
28 hunt others if they're out there. So they wanted to open up
29 the area a little more so people could hunt whatever was
30 locally available to them, and in a larger area than what we
31 had originally proposed in this purple book.

32

33 So after that meeting -- well, the other thing that the
34 Council decided was other than preparing that alternative they
35 said we need more time to talk to people in the villages before
36 we can say for sure what we ought to do about this. So they
37 asked to wait until this next round of Regional Council
38 meetings before they made their decision.

39

40 So in the meantime, they -- the Council Members were
41 not talking to people in the communities. We asked community
42 leaders and the Tanana Chiefs Conference and the local advisory
43 committees whether they wanted us to come up and help them have
44 more meetings or what we should do to help them in this process
45 make sure that they were at a point in this round of
46 meetings where they could reach some conclusions on this whole
47 issue. And they really didn't seek any additional help from us
48 other than we agreed to make some maps for them to show these
49 alternatives. And we made them in a large format that they

50

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could carry to the villages and display so people could look at them over a couple of months time before this meeting occurs at the end of this week.

4

5 This was one of the documents that we put together to try and show what Alternative A which came out of this booklet meant or what it meant on the ground. We displayed it in map form that showed community by community what areas we were saying that they should be able to hunt in. So this book here, if you start in the beginning, there is a summary of Alternative A which was prepared by the Board Staff. That is what the Council felt was the more restrictive approach to customary and traditional use determinations. It's laid out in a table format. There's a description of the areas that we proposed in this purple booklet following that graph. A description of Alternative B which was proposed by the Regional Council last October. And then the maps follow that show Alternative A and B by community and for each species that we're considering, which are large mammals.

20

21 The third thing that just recently came in is a proposal which we might call Alternative C from the Upper Tanana, Forty Mile Local Advisory Committee. And this proposal lays out a series of problems that they perceive in the current determinations that we have in the Federal regulations. And it provides a recommendation on what they think should be done. And basically their feeling is that all people in these Upper Tanana communities and in communities they represent which are in addition to Dot Lake, Tana Cross, Tetlin, Northway and Tok, includes Healy Lake, Chicken and Shusana. They feel that all those communities should be able to hunt in the areas that are identified in -- on Map 20 in this book which is -- Map 20 shows an area that includes all of Units 20(D), 20(E), 13(C), Unit 11 and Unit 12. And the species they feel these communities should be able to hunt are black and brown bear, caribou, moose, sheep and goats. Now goat is not a species that we -- that was considered to be of customary and additional use for these communities. There was simply no information about the use of mountain goat for subsistence purposes. So the other two recommendations don't deal with mountain goat at all, so that's one difference with the Upper Tanana recommendation.

43

44 MR. BASNAR: Excuse me, Janis, would you repeat the communities that this proposal added? I know there was Healy, Shusana.

47

48 MS. MELDRUM: Yes. Healy Lake, Shusana and Chicken.

49

50

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272-7515

1 MR. BASNAR: Chicken. Healy Lake, all right.

2
3 MS. MELDRUM: Um-hum.

4
5 MR. BASNAR: And Chicken. Thank you.

6
7 MS. MELDRUM: The other thing that they wanted to make
8 clear is that although they included these other three
9 communities of Healy Lake, Chicken and Shusana, they didn't
10 want to preclude those communities' ability to be considered to
11 hunt in other areas, Unit 25 and units above and around the
12 area that we've been considering. So they just wanted that to
13 be understood by the Council, too. They didn't want to say
14 that those three communities only hunt here, there could be a
15 much larger area that they use, but they weren't prepared to
16 say what that area was.

17
18 This recommendation that the Upper Tanana, Forty Mile
19 Local Advisory Committee sent in was sent to the -- at least
20 the Chairs of the Eastern Interior and Southcentral Regional
21 Councils. And they intend to present it at the meeting in
22 Northway that starts tomorrow evening. So this is another
23 proposal that might be considered if this Council also wants to
24 take action on the Upper Tanana customary and traditional use
25 determinations.

26
27 I've provided you with the schedule of the Upper Tanana
28 C&T determination. And basically where we're at in the process
29 right now is where you all were at last January on the Kenai.
30 You were given three alternatives at that point to consider,
31 and you ended up deliberating and coming up with your own
32 alternative which you are working through today. Well, what
33 we've placed before you today is essentially a Staff
34 recommendation, Regional Council recommendation and then a
35 local advisory committee recommendation on Upper Tanana C&T.
36 And you can choose to select one of those if you like or
37 develop one of your own or not to take any action at all that,
38 that's entirely up to you. But we're at a point right now that
39 we could use your input if you're so inclined to give it.

40
41 The next logical step in this process, after the
42 Eastern Interior Regional Council provides their review
43 comments on these proposals and any others that might be
44 generated at the meetings this week, will be hopefully a
45 consensus by that Council on what they would like to have
46 happen. And then that will go to the Staff Committee and the
47 Board and a proposed rule will be developed and printed
48 sometime this summer with a 60 day comment period beginning
49 about the 1st of September is what we had hoped for, followed
50

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By another round of Regional Council meetings in November in which a final recommendation by the Councils would be sought.

3
4 So continuing on the process that we're on, it's very similar to what you've done on the Kenai, but we're just not quite as far along.

7
8 MR. BASNAR: Okay.

9
10 MR. LOHSE: Could I ask Janis a question?

11
12 MR. BASNAR: Yes, Ralph.

13
14 MR. LOHSE: Janis, could you repeat again who put in Alternative C?

15
16
17 MS. MELDRUM: Alternative C was prepared by the Upper Tanana, Forty Mile Local Advisory Committee.

18
19
20 MR. LOHSE: Upper Tanana, Forty Mile

21
22 MS. MELDRUM: Um-hum.

23
24 MR. LOHSE: Advisory Committee. And that takes all of those communities or -- I mean are all of those communities part of that Advisory Committee or what communities are part of that Advisory Committee, do you know offhand?

25
26
27 MS. MELDRUM: Yes. The Chairman said that the -- that Local Advisory committee has representatives or represents the communities of Dot Lake, Tana Cross, Tetlin, Northway, Tok, Healy Lake, Chicken and Shusana.

28
29
30 MR. LOHSE: Okay. So they're all represented on that advisory committee?

31
32
33 MS. MELDRUM: That's right.

34
35
36 MR. LOHSE: Okay.

37
38
39 MS. MELDRUM: Now the work that we did in terms of preparing this analysis did not cover the communities of Healy Lake, Shusana and Chicken.

40
41
42 MR. BASNAR: Okay. Is that it?

43
44
45 MR. LOHSE: One last question to ask.

46
47
48 MR. BASNAR: Yes.

49
50

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1
2 MR. LOHSE: Now if I understood right, then basically
3 what the Upper Tanana Advisory Committee is recommending is
4 that we go right here to Map 20 and everything that's outlined
5 in black; in other words, 20(D), 20(E), 13(C), 11 and 12;
6 basically becomes the subsistence area for those -- part of the
7 subsistence area for those six communities, right?

8
9 MS. MELDRUM: Well, there's eight communities.

10
11 MR. LOHSE: Eight communities?

12
13 MS. MELDRUM: Yes. Um-hum. And for all species; bear,
14 sheep, caribou, moose and goat.

15
16 MR. LOHSE: In other words, not delineating species by
17 areas but just the whole general area?

18
19 MS. MELDRUM: Right. Um-hum.

20
21 MR. LOHSE: It actually makes more sense.

22
23 MR. BASNAR: Janis, it appears to me the only area of
24 interest for this Council is 13(C), am I correct? Do we have
25 any other area that

26
27 MS. MELDRUM: Unit 11 also. Isn't 11

28
29 MR. LOHSE: And 12. 11, 12 -- 12, too, don't we?

30
31 MR. BASNAR: Well, yeah, but that's primarily all Park.

32
33 MR. LOHSE: Yeah.

34
35 MR. BASNAR: There is some in 11, okay. Fred, this is
36 your backyard, you're going to be the expert on this one for
37 us. Do you have any questions of Janis while we've got her
38 available?

39
40 MR. JOHN: I really don't have any questions. I kind
41 of wish I could go to that meeting in Northway but I won't be
42 able to make it. But I really don't want to say anything or do
43 anything until I hear what they say. And I don't think I have
44 any discernible - (background noise) there in the upper part. I
45 don't know their customary and traditional ways. But I
46 really don't know what to say right now. I know that they were
47 pretty hard against zoning, you know. They -- 'cause like the
48 people in -- customary and traditionally, the people in Dot
49 Lake hunted -- are from Banzanita (ph) and Mentasta, and Chief
50

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VanDryzik (ph) is the only one from Tana Cross. But -- and then about 30 percent of Tana Cross people are from Mentasta and Banzanita. And almost 90 percent of Northway is from Banzanita. And so I'm planning on kind of -- I kind of know the traditional and where they hunt, what they hunt in that area. And I'm kind of -- so I'd like to see how they're going to go about it.

8

9 MR. BASNAR: Okay. Thank you. Roy, your

10

11 MR. JOHN: That is closer to my area.

12

13 MR. BASNAR: That's your backyard, too, down in 11 particularly there I guess. So do you have any questions?

15

16 MR. EWAN: I don't know. I have mixed feelings about this because I don't deny any of these people their rights if they said they hunted over in that area. But I do have concerns about, you know, the larger communities like Tok. It bothers me that all those people that moved in since 1940 or so have some -- have access to all of 12 -- let's see, what area, where they are -- all of Unit 11, 12 and 13.

23

24 MR. BASNAR: Okay. I have difficulty asking questions and making comments until the people who really are affected, and that's primarily the other region -- the other Regional Council have made their comments. I'm -- I don't know enough about the area. I don't know any of the people over that way. That's my personal feeling.

30

31 Norm, in the back, do you have a comment, please?

32

33 MR. HOWSE: Norm Howse, Forest Service. Just a comment for Janis I guess or a question. Alternative C, has that been distributed and is that available? I don't believe we've seen that, if there is an Alternative C.

37

38 MS. MELDRUM: Norm, that just came in, and they're -- I didn't put enough stack of copies here today, but it has been distributed to some people, the

41

42 MR. HOWSE: I don't know that that's gone to the Staff Committee yet has it?

44

45 MS. MELDRUM: It's gone to the Federal Subsistence Board.

47

48 MR. HOWSE: I don't think we've got it yet.

49

50

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1 MS. MELDRUM: Well, it's fairly recent so you might not
have

3

4 MR. HOWSE: Okay.

5

6 MS. MELDRUM: received it but

7

8 MR. HOWSE: Okay.

9

10 MR. BASNAR: Okay. So we will get the results of the
meeting at the Eastern Interior Regional Council. If we choose
to take any action, must we take it at this current meeting
within these three days or will we have an opportunity in
November?

15

16 MS. MELDRUM: Well, there is an opportunity in November
after the proposed rule is prepared for this Council to make a
recommendation on that proposed rule. At that point, there'll
just be one option laid out in the Federal Register. Right
now, if you wanted to affect the process and make some review
comments, assuming that everything stays on track like we've
not laid out on the schedule here, we need to have your
comments now. Because the idea is that the Staff Committee in
the middle of March and then the Board at its April Board
meeting would decide which of the alternatives they want to put
in the proposed rule.

27

28 So if you want to have an early input into this process
and you want to have your thoughts known now, then it would
have to happen at this meeting.

31

32 MR. EWAN: Mr. Chairman.

33

34 MR. BASNAR: Okay.

35

36 MR. EWAN: I do have one

37

38 MR. BASNAR: Yes, Roy.

39

40 MR. EWAN: thing I'd like to bring out again. I
think I've brought this out at other meetings. And I notice
that Tetlin here in -- says no to the use of Unit 11 and 13(C).
That kind of bothers me when I notice that Tok, a very recent
community, has all the way across. And Fred just got done
saying that he knows all these people came from that particular
area. I think I stated earlier here, I have a concern about
these people understanding what they're doing when they're
answering these questions. I'm -- I guess I'm just concerned
about those people closing themselves off from the use of

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272-7515

Unit 11 area, their children down the road. I don't know, maybe that's what they want to do. I don't think that's what I would like to see. Have -- open it more recent residents than for the residents that have been in the area a long time, totally no, zero.

6

7 MS. MELDRUM: Well

8

9 MR. BASNAR: Ralph. I'm sorry. Do you want to respond
10 Roy's

11

12 MR. EWAN: And let me say this. Tok is only about 20
miles from Tetlin, maybe less, I don't know. So there is not
that much -- we're not talking about a great distance. In
fact, I think Tetlin is closer to the Unit 11, you know,
geographically, isn't it?

17

18 MS. MELDRUM: Um-hum.

19

20 MR. BASNAR: Janis.

21

22 MS. MELDRUM: I think most of us felt like the
alternative -- Alternative A was prepared using written
information from study data that we had gathered, and a lot of
that was contemporary information that didn't -- perhaps didn't
accurately describe what Tetlin's use area was or made it a
very restrictive area. And we tried to -- when we first sent
this report out to the public, when it was in a draft form, we
tried to work with Tetlin to see if we could get them to give
us more information that would show their uses of those areas.
But for whatever reason, and I don't know why, they didn't
participate in that process, and they weren't willing to.

33

34 But since that time, the Tanana Chiefs Conference has
been working with Tetlin and it's more successful in trying to
help them represent themselves and get involved. Maybe they
didn't understand what was at stake when the draft document
came out. But I think the Tanana Chiefs Conference is planning
to present an alternative of their own at the meeting later
this week. They've told me about it, but they were looking for
ratification by all of the four communities, and they lacked
the support of Northway at that point, just because Lee Titus
hadn't been available to talk to them. But I think that TCC
has now covered that and is going to come up with some
information that will support Tetlin's use of those areas as
well.

47

48 MR. BASNAR: Okay. Ralph.

49

50

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272-7515

1 MR. LOHSE: Yes, Mr. Chairman. I, too, like Roy, sit
 2 here and I look at the yes and nos, and I look at the fact that
 3 they're all on the road system. The only one that's not on a
 4 road system out of the communities that have been mentioned
 5 today is Shusana. But all of the rest of them are on the same
 6 road system, they have the same access to transportation. The
 7 distance involved between all of the communities is relatively
 8 short, and yet the smallest communities and the I'll say oldest
 9 established communities, for lack of a better way of putting
 10 it, have the least amount of area in which to practice
 11 subsistence.

12

13 I, myself, think that if I had a choice in it, I would
 14 probably support the proposal of the Regional Advisory
 15 Committee up there that would give all of those communities
 16 equal access, and basically support the idea that, you know,
 17 there is no reason that somebody from Tok should have access in
 18 Unit 11 where somebody in Tetlin doesn't when they live 20
 19 miles apart and live on the same road system.

20

21 To me, it's probably a matter of like Roy was saying,
 22 it's probably a matter of reporting not because they don't have
 23 access. And I would, you know, personally at this point in
 24 time, especially with the idea of being inclusive, would
 25 support the idea of all of them that have sys- -- all of them
 26 that have access on this system have access to the whole
 27 system. Because none of them have any harder time getting
 28 someplace else than anyone else. They might have -- they might
 29 choose not to, but the access is there.

30

31 And so I would definitely, at this point in time,
 32 support the Regional Advisory Board's proposal, Proposal C or
 33 Alternative C or whatever you want to call it up there, rather
 34 than any one of these that ends up taking these small
 35 communities and these older communities and gives them less
 36 access to the resource than some of the newer communities or
 37 some of the larger communities.

38

39 MR. BASNAR: Okay. Thank you, Ralph. Fred, you had
 40 your hand up.

41

42 MR. JOHN: Yeah, I forgot what I was going to say. The
 43 third that lives up there. I think what we -- kind of comment
 44 is that, like you said, it's got to be C&T, you know, all
 45 the statistic and everything. And there was -- really, there
 46 wasn't anything much from Tetlin, Northway and everything. And
 47 what they wanted was more, more C&T. From the village, even
 48 stories or -- of what everything -- or where they hunt and
 49 everything.

50

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 272-7515

1
2 And as far as I know, like Roy was saying, Tok had that
3 resident zone hunting area, and Northway and Tetlin didn't.
4 And I was concerned. Those are villages that hunt, fish,
5 gather in the area and they lived off that whole area, even
6 down into my area. Tetlin, my dad's brother is buried there
7 and my dad's brother was Chief in that area. So there was a
8 lot of intermingling in that area from, you know, down in
9 Banzanita, Selina and to Mentasta area.

10
11 And what I'd like to see more is it comes more from
12 traditional and customary than statistic, the modern time.
13 Cause if we do that, Tok and Selina will have more traditional
14 and customary hunting than we as a Native village in the area
15 that's been there for I don't know how long.

16
17 MR. BASNAR: Thank you, Fred. As I see it, we can take
18 some action based on the comments that the Council Members have
19 made to this point today, or we can take this material and
20 study it this evening in our rooms and come back tomorrow. We
21 can take no action until we find out what the people on the
22 round up there are going to do at their meeting. But at that
23 point, we will only be able to react rather than act. And
24 there may be two or three other options. That we could ignore
25 the whole thing but I don't think any of us wants to do that.
26 I throw these out for the Council Members to consider in
27 deciding where we go from here on this particular issue.

28
29 Ralph.

30
31 MR. LOHSE: Were you going to say something, Roy?

32
33 MR. EWAN: Did he defer to me? You had your hand up.

34
35 MR. LOHSE: Go ahead. No, go ahead.

36
37 MR. EWAN: I just want to talk about that area because
38 I'm very familiar with that area, the people up there. In
39 fact, I just got done visiting with some of them people a few
40 days ago from Tetlin. There's no way that you can tell me, you
41 know, we're different people, we're people that have known each
42 other for years. There's relatives all the way down through
43 Copper Center in Tetlin. I'm going back a couple of
44 generations maybe, but there's just -- an Elder just passed
45 away recently in both communities that were related.

46
47 So somewhere in here we have to have -- use, you know,
48 common area for hunting and subsistence. So just from that
49 general knowledge, I know that this is wrong, really wrong.

50

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1007 WEST THIRD AVENUE
272-7515

They may say yeah, right now we don't use it. Yeah, but does that mean that they didn't, you know. I think their ancestors really used that area, and Fred knows it. I know him -- Fred's father knows it, and he's alive yet today. If he was able, he'd be here testifying saying that they have relatives, we know.

7

8 I think that enough of that is happening, listening to
9 some of the Elders that really know what happened years ago. I
10 think that's enough. I've said it many times now I think, I'm
11 going to make sure it's said enough.

12

13 MR. BASNAR: Thank you, Roy. Ralph.

14

15 MR. LOHSE: Yeah. I would hate to pass up the
16 opportunity to comment, at least to send our thoughts anyhow,
17 if they're going to have a meeting in Northway and be relegated
18 reacting to whatever was done. I don't think that -- you
19 know, I don't think it's our position to pass something but we
20 can at least make a statement philosophically what we support.
21 And as I stated before, I philosophically couldn't support a
22 alternative that when there's equal access and close proximity,
23 actually penalizes the smaller and the older communities.

24

25 And I would have to lend my support, and I would like
26 see us as a Board, as a Council lend our support, to the
27 more inclusive proposals that's come out of the local advisory
28 Board, which basically gives Tetlin and Dot Lake and even
29 Husana and Chicken and Healy Lake the same access that it
30 gives Tok and Tana Cross to that whole area. That would be my
31 preference, but I'll kind of leave it up to -- I've got a lot
32 of friends up in that area, and a lot of people that I know,
33 but I don't have the contacts and the relatives that Fred John
34 and Roy have. And I'd prefer it came from them.

35

36 MR. BASNAR: Thank you, Ralph. I'd like to add a
37 comment to that. We -- I think we should approach this in a
38 fashion similar to the way we approached the Kenai C&T. That
39 we use the resident experts, the people that had knowledge
40 families and traditions down on the Kenai. And we took
41 their word whether or not there was any written backup on it.
42 And I think we ought to do the same thing here. We've got a
43 couple of resident experts that know the people in that area,
44 with relatives. And I think this Council -- at least from my
45 perspective, I would certainly support these two people. They
46 know where from they speak. And I agree pretty much with Ralph
47 and Roy and Fred so far.

48

49 Any other Council Members? We could -- I suppose we

50

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272-7515

could endorse the proposal -- are you referring to that as Proposal C?

3

4 MS. MELDRUM: Yes. The local

5

6 MR. BASNAR: Okay.

7

8 MS. MELDRUM: advisory committee proposal.

9

10 MR. BASNAR: Okay. Yes. We do have a member of the
 public, Gloria, would you like to come forward and speak to us
 please? We can't hear you from back there, and we'd like your
 input. Could you state your name, please, so the Recorder can
 get it?

15

16 MS. STICKWAN: Gloria Stickwan with the Copper River
 Native Association.

18

19 MR. BASNAR: Okay.

20

21 MS. STICKWAN: We're doing a customary and traditional
 use of the Copper River Basin. This area will include Fred
 John's area which will show that our people have used the upper
 area -- Upper Tanana area, and that it will be included in
 here because their oral history will show that it has. That
 this report here is not -- does not include oral histories of
 people. When we go to talk to Mentasta Village and do this
 report, that those Elders up there will show -- they'll tell
 them that they use these areas up here.

30

31 MR. BASNAR: Okay. So if I understand you correctly,
 Copper Center and the people that live in the area were not
 considered in the Upper Tanana considerations,

34

35 MS. STICKWAN: No.

36

37 MR. BASNAR: am I correct?

38

39 MS. STICKWAN: I don't think any oral histories were
 one of those people.

41

42 MR. BASNAR: Well, Janis, can you speak to that?

43

44 MS. MELDRUM: Well

45

46 MR. BASNAR: There are two chairs.

47

48 MS. MELDRUM: We -- in the study that we did on the
 five communities in the Upper Tanana Region, it was conducted a

50

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 272-7515

little differently than what the Fish & Wildlife Service did
 with the Kenai Peninsula. We didn't try and -- we didn't
 identify an area of ground and then try and decide who used it.
 We chose an area and -- or the area that was defined and given
 to us included these five Upper Tanana communities. And what
 we tried to do is look at those communities and identify what
 area they use, which is a little different than what was done
 on the Kenai. Does that make sense what

9
 10 MR. BASNAR: You're telling me you looked at five
 communities, you didn't necessarily exclude Copper River?

12
 13 MS. MELDRUM: That's right.

14
 15 MR. BASNAR: You didn't look at Copper River?

16
 17 MS. MELDRUM: No.

18
 19 MR. BASNAR: And you're not excluding them

20
 21 MS. MELDRUM: Right.

22
 23 MR. BASNAR: in your study?

24
 25 MS. MELDRUM: That's right.

26
 27 MR. BASNAR: Okay.

28
 29 MS. MELDRUM: So other people may have use of the same
 area that we have mapped here for the five Upper Tanana
 communities, but we haven't addressed those other areas yet.
 So the Copper River Basin is actually being worked on but we
 don't have any conclusions, we're not anywhere close to
 conclusions there. So those -- Mentasta Village and some of
 the others along the road system there all the way over to the
 West Glen Highway may have use of the same area but we're not
 at that point yet where they've -- we've considered

38
 39 MR. EWAN: Mr. Chairman.

40
 41 MR. BASNAR: Yes, Roy.

42
 43 MR. EWAN: I don't want to put words in Gloria's mouth,
 but I think what she's saying is that when they did this, they
 did not use the oral history. That it's available now I guess
 through the study that CRNA is doing, through interviews with
 elders from Mentasta, that may affect the

48
 49 MS. MELDRUM: I see.

50

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1007 WEST THIRD AVENUE
 272-7515

1
2 MR. EWAN: I think that's what she's saying.
3
4 MS. STICKWAN: Yeah.
5
6 MS. MELDRUM: I see.
7
8 MR. EWAN: C&T determinations for Tetlin maybe.
9
10 MS. MELDRUM: We did not look at that oral history
11 data. I didn't realize that there would be anything in there
12 that would help us with this area.
13
14 MR. EWAN: I really don't know. That's really
15
16 MS. STICKWAN: Fred John's area
17
18 MR. EWAN: for Gloria to say yes or no to that.
19
20 MS. STICKWAN: will for sure be.
21
22 MR. EWAN: I don't know.
23
24 MS. STICKWAN: They got married, they intermingled in
25 that area. There's families up there. He's got relatives up
26 there.
27
28 MR. BASNAR: Okay. Thank you.
29
30 MR. JOHN: Myself, I
31
32 MR. BASNAR: Fred.
33
34 MR. JOHN: Mr. Chairman. Myself, I really don't want
35 to endorse anything yet. And I don't want to go up there and
36 say this is it, you know. 'Cause I think they -- I don't know
37 really what course they're going to take, you know, up there.
38 And that what you call it, the advisory council up there in
39 Tok?
40
41 MS. MELDRUM: The Upper Tanana, Forty Mile?
42
43 MR. JOHN: Yeah. What's her name, Sue Ensinger (ph)
44 wanted to talk to me about it and everything, but I never -- I
45 haven't got a chance to talk to her. She was going to give me
46 put on it and everything, and I -- she had to go to Copper
47 Center to talk to Ken John about something else. So I didn't
48 have really anything. But I -- I'm kind of a little bit
49 nervous about trying to endorse something up there right now,
50

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272-7515

as one of the Council Members; that's my own opinion. I think
 there -- I think up there, they're on -- they're doing -- they
 want something, you know, they're going to do something at this
 meeting. And I really don't know before I take on something in
 a completely different way. So I'm kind of a little bit
 nervous about endorsing it.

7
 8 MR. BASNAR: I suppose one of the options that we have,
 we could write a letter of concern to the other Regional
 Council, that we are concerned that some of these people may be
 left out. That's just an option if the Council would want to
 pursue that, we could write a letter to the Park Service and
 info a copy to the Regional Council, say the same thing to each
 one of the entities. I'm just looking for different ideas
 rather than endorsing, taking action, perhaps we could just
 express concern.

17
 18 Ralph.

19
 20 MR. LOHSE: Well, I am concerned when I see Northway,
 Tetlin and Dot Lake on the same road system with the same
 access with less of an area than Tok and Tana Cross. I mean I
 am concerned. And I'm concerned that the reason that they are
 that way is because information didn't get transferred
 properly. And

26
 27 MR. BASNAR: Well, how do we exhibit that concern then
 and to whom?

29
 30 MS. EAKON: Excuse me. This is Helga. What time are
 you leaving in the morning?

32
 33 MS. MELDRUM: My plane leaves at 10:15. Maybe do
 something less formal, that would still give the committee some
 information.

36
 37 MS. EAKON: If you carry the message.

38
 39 MS. MELDRUM: Um-hum.

40
 41 MR. LOHSE: Could we just say that? I mean

42
 43 MR. BASNAR: Well, if we can get the Council Members to
 agree on the concept, then we can agree on the vehicle. But
 right now, we haven't agreed on the concept yet.

46
 47 MR. EWAN: Mr. Chairman.

48
 49 MR. BASNAR: Yes, Roy.

50

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 272-7515

1
2 MR. EWAN: I think what Fred is saying, I guess, is you
know that's their business up there, Tetlin, Northway,
whichever community is not properly represented here in our
view. But I look at it different myself. I -- maybe this
present group of people right now view the whole situation
totally different than I view it. But say a generation from
now a new kid's growing up and Tok expands say another couple
thousand totally new people from New York, everywhere will have
access to all these game units. And they'll see -- they'll
wonder why. Supposing there's only -- the species that they
want is only in Unit 11, they'll have the determination no, no,
no all the way down on that. They'll wonder why somebody
didn't watch out for them, that's what I'm thinking. And
that's the kind of view I'd like to convey to the -- I guess
the Upper Tanana Region Council.

17
18 MR. BASNAR: How do you want to do that? I'm with you.
19 I have no objection. But how do you want to do it? I can
make a motion but I'm trying not to.

21
22 MR. EWAN: Well, I'd like to have a suggestion on how
23 I don't know how -- I don't know the Council up there so --
that well. I mean what form of -- a letter would be a good
form of conveying the message to them or concern.

26
27 MS. MELDRUM: Yeah. I think in the interest of time
since we have to leave tomorrow morning, even if we received
something handwritten that you all agreed to that said this is
the thoughts that we want to convey, I can bring that up there
and make sure that they have a copy of that. It could be read
into the record, since Fred's not able to go.

33
34 MR. EWAN: You do that.

35
36 MS. MELDRUM: Handwriting still works.

37
38 MR. BASNAR: Amazing.

39
40 MS. MELDRUM: We forget that sometimes.

41
42 MR. BASNAR: Does the Council have any objections to a
letter being drafted to the Eastern Regional Council conveying
our concern?

45
46 MR. LOHSE: I'll leave the headings for whoever wants
to put it on.

48
49 MR. BASNAR: If there are no objections, I think Ralph
50

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272-7515

1 Lohse just volunteered to write the letter, is that right?

2

3 MR. LOHSE: As Secretary, I'll write it and you guys
4 can see whether -- it's going to be a very short note.

5

6 MR. BASNAR: What a good man. Thanks, Ralph. Okay.
7 That's what we'll do. We'll send a letter by carrier pigeon,
8 if we can't find one, we'll use Janis. Okay.

9

10 MS. MELDRUM: I'm somewhat reliable.

11

12 MR. BASNAR: Thank you.

13

14 MS. MELDRUM: One last thing. I'm -- is it my
15 understanding that you want us to come back after the proposed
16 rule has been prepared then to allow you another chance to
17 provide a recommendation to the Board before they make their
18 final decision?

19

20 MR. BASNAR: When is the Board -- when is the
21 recommendation presented to the Board again, April?

22

23 MS. MELDRUM: Yes. In -- well, between now and April a
24 decision will be made which alternative the Board wants to have
25 prepared into a final -- or a proposed rule that will be
26 published. Then, the idea is that around September and
27 October, for 60 days, there'll be an open public comment period
28 followed by Regional Council meetings where they will make
29 formal recommendations to the Board. So that would be your
30 next point at which you could give some input into this area.

31

32 MR. BASNAR: I don't -- speaking for myself only, I
33 don't see any need to interject ourselves again into -- let's
34 use the process that is established, and we can use the public
35 comment period, we can comment again on the proposed rule in
36 November rather than trying to slow down any process on
37 something that's close to us but it's not the heart of the
38 matter like the Kenai is. Any other Council Members object to
39 that approach?

40

41 MR. JOHN: No (ph).

42

43 MR. BASNAR: Okay. We'll do it. Thank you, Janis.

44

45 MS. MELDRUM: Thanks.

46

47 MR. BASNAR: Okay. I think Bruce, you have something
48 talk to us about.

49

50

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272-7515

1 MR. GREENWOOD: Yeah, Mr. Chairman, Council. Bruce
2 Greenwood from the National Park Service. We talked -- we
3 bouched a little bit on Copper Basin at last meeting and again
4 in this meeting. And we're very early in the process as
5 compared to Upper Tanana and particularly with Kenai. Right
6 now, we're still in the process of repairing -- preparing the
7 report. And there has been a lot of talk this morning about
8 changing the C&T process. Well, at this point in time, our
9 position -- the Park Service position is going to be to carry
10 forth as we set out in Copper Basin until we're directed
11 otherwise by the Subsistence Board.

12
13 So in light of that, now I could give you just a
14 briefing on the information that we're putting together at this
15 point in time and where we plan on going with that. Right now,
16 I'm in the process of comparing the harvest ticket data -- I
17 know we've talked about that some and there is a lot of
18 questions about the validity of that and how accurate that is,
19 but we are putting that together so you would have that
20 information. We're also doing some community level analysis of
21 what is called the Community Data Profile Database which would
22 give us an analysis of each community of the subsistence
23 harvest and the use of those harvests.

24
25 We have some maps, two sets of maps; one set of maps is
26 from Alaska Department of Fish & Game. And these maps -- the
27 information was collected in 1983, and it goes approximately 20
28 years, from 1964 to 1983. And these maps show information, the
29 use areas by each community.

30
31 MR. BASNAR: Excuse me.

32
33 MR. GREENWOOD: Um-hum.

34
35 MR. BASNAR: Which specific geographical area?

36
37 MR. GREENWOOD: Okay.

38
39 MR. BASNAR: If you would draw a fence around it for
40 me.

41
42 MR. GREENWOOD: Of the Copper Basin area? The Copper
43 Basin area pretty

44
45 MR. BASNAR: I know where it is.

46
47 MR. GREENWOOD: Okay.

48
49 MR. BASNAR: But can you define it by something a
50

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1007 WEST THIRD AVENUE
272-7515

little more specific?

2

3 MR. GREENWOOD: Let's see, probably the best way to do
4 it, it encompasses all of Unit 11, a portion of Unit 12,
5 including Shusana; that's the very lower part of 12.

6

7 MR. BASNAR: Okay.

8

9 MR. GREENWOOD: South of Tetlin Refuge. It goes into
10 (A), (B), (C), (D). And that's pretty much where it goes.
11 It goes nearly not quite to Cantwell on that highway, but it
12 goes nearly to that, that far.

13

14 MR. BASNAR: Okay. Thank you.

15

16 MR. GREENWOOD: So anyway, each community has a set of
17 maps for the various species and it shows the traditional use
18 areas. This information was collected by ADF&G in their
19 interviews with the people during the 1988 study that was done
20 in the area.

21

22 We also have maps that are based on Copper River Native
23 Association information, and these are being put together by
24 the University of Alaska, along with CRNA. And that
25 information is based on historical records. So we'll have two
26 sets of information.

27

28 As Gloria mentioned, we have the CRNA archive
29 information, the oral interviews. And then that will be good
30 information that will give us some really good background in
31 that area. And I believe the information that Gloria is also
32 talking about is doing some other interviews later on this year
33 that would be talking to the Elders. And Gloria, I'd defer to
34 you if I get this wrong. But they're to take the information
35 out -- the maps out to the Elders and ask the Elders to verify
36 this use information. And also, there would be a final write
37 up.

38

39 So we're still -- we're actually in the data gathering
40 phase or putting it together. And there has been some writing
41 been done but there is not a completed report at this time.

42

43 So as regarding a schedule, what we're doing is I would
44 say we're a little -- we're behind schedule as compared to when
45 we talked to you last time. You know, getting some of these
46 maps together and the CRNA information has not come in as fast
47 we thought it would. But right now, the Subsistence Board
48 has not changed the deadline -- or the effective date of this
49 regulation which would be July 1, 1996.

50

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272-7515

1
2 But in order to meet that schedule, it will maybe take
a few modifications, and that's why I'm open to suggestions
from this Council on how to best do this. We're looking now at
Hopefully having this report done sometime during the summer.
And then at that time, I know the summer's really a busy time,
But my thoughts were in order to expedite it would be for us to
go out and meet with the Council individually or maybe in small
groups in different areas where you've lived and present the
information to you one on one so you have an understanding what
is going on. And at the same time, have -- begin the review.
This would allow us to not wait until an official meeting next
fall in order to present this information for the first time.
And it would, therefore, give more time for public comment and
review of the report.

16
17 MR. BASNAR: I'm not quite sure I understand about you
said, you wanted to meet with Council Members individually or
in small groups, would you expand on that?

20
21 MR. GREENWOOD: Sure. Those are just kind of my
thoughts, that what I would do is that instead of just sending
you a report in the mail and saying here it is, study it, read
it and get some thoughts together on it, is that we would be
able to come out there and just present it to you and sit with
you at your kitchen table, for example, and just go through the
document and give you an idea of what we put together and an
introduction of best how to review it and begin looking at the
document. Therefore, when the next meeting came up, you might
be a little bit more prepared to discuss that and come to some
suggestions or recommendations to make to the Staff Committee.

32
33 MR. BASNAR: Okay. Well, let me interrupt you right
here since that --

35
36 MR. GREENWOOD: Sure.

37
38 MR. BASNAR: that appears to be a suggestion.
Council Members, thoughts, comments on that proposal,
suggestion, whatever it is. Does it have merit, does it not
have merit?

42
43 MR. JOHN: It sounds good to me.

44
45 MR. BASNAR: Okay. Fred says it sounds good. Roy?

46
47 MR. EWAN: I'll talk to you later.

48
49 MR. GREENWOOD: Excuse me.

50

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272-7515

1
2 MR. EWAN: I said I'll talk to you.
3

4 MR. GREENWOOD: Okay. It was just -- the suggestion
5 came from my concern of giving you -- this document may be --
6 there's probably nearly a hundred maps, probably 60 or 70
7 tables; we have 23 communities we're dealing with. There's a
8 lot of communities, a lot of information. Just making -- I've
9 gone through and made an estimate, it may be between a 4 and
10 500 page document. And I'm not always real happy about
11 dropping -- sending it through the mail and saying here it is,
12 study it.

13
14 MR. BASNAR: You must believe we wouldn't read it, is
15 that right?
16

17 MR. GREENWOOD: Well, I'll tell you what, I've seen a
18 lot of those and I don't read them either. So I'd like to find
19 some way to
20

21 MR. BASNAR: Your concern is well-founded.
22

23 MR. GREENWOOD: Yeah. Some way to introduce you to the
24 document, so okay, this is how to use the document and how to
25 get through it without having to try to ingest the whole thing.
26

27 MR. BASNAR: I don't have any objection to that, and I
28 guess nobody else does.
29

30 MR. GREENWOOD: But
31

32 MR. BASNAR: All right. Okay.
33

34 MR. GREENWOOD: that was just a suggestion, and
35 we'd have to wait until we go a little further along in the
36 process and see how long it takes to actually put this
37 information together in a usable format.
38

39 And then once you had the report, hopefully we would --
40 the administrative process would be very similar to what you've
41 gone through with Kenai, the Kenai C&T, since you are the
42 Regional Council that is going to make the recommendation to
43 the Staff Committee on this area. So we'd use a similar
44 process, where we would meet with you and we'd go as you're
45 doing today. And then from there on out, it'd be just like
46 Taylor's mentioned and Janis has mentioned, to bring it to
47 final effect, the final rule would go through the same
48 administrative process; the proposed rule and then the final
49 rule.
50

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272-7515

1
2 MR. BASNAR: Okay.
3
4 MR. GREENWOOD: Are there any more questions or
5 comments?
6
7 MR. BASNAR: Yeah, I have one. I would like to know
8 where that line's going to be drawn in the center of 13. You
9 said it was over toward Cantwell somewhere. You know, we're
10 talking the Susitna River Drainage goes down through there.
11 Can
12
13 MR. GREENWOOD: I'll give you more information. What
14 is is that when these areas were drawn up, it was
15 essentially -- unit boundaries were used, but within these unit
16 boundaries, they're asked to study specific communities. So
17 the community closest to the area you're referring to would be
18 like Louise and Paxson.
19
20 MR. BASNAR: Okay.
21
22 MR. GREENWOOD: Now, however, those communities, like
23 Paxson, does use I believe like Unit 13(D). Very few of those
24 communities that I know of at this point use 13(E). So we may
25 have recommendations from Paxson that would say, for example,
26 they would be using caribou in Unit 13(D); that may be a
27 recommendation for a rule making.
28
29 MR. BASNAR: Okay. Thank you. Any other questions?
30 Thank you, Bruce.
31
32 MR. GREENWOOD: Okay.
33
34 MR. BASNAR: Let's take a 10 minute break, and then
35 we'll come back. And when we reconvene, we will finish up the
36 Kenai C&T and if there's any time left at the end of the time,
37 I'll be surprised. I think that's probably as far as we will
38 get for the rest of today. Okay. A 10 minute break.
39
40 (Off record)
41
42 (On record)
43
44 MR. BASNAR: The meeting will come back to order,
45 please. Okay. We have now concluded the presentation from the
46 Park Service on the Upper Tanana, and we'll go back to our
47 original schedule, and that's the C&T on the Kenai. And I
48 think we are 15(C) caribou, is that correct?
49
50

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272-7515

1 MS. EAKON: That's correct.

2

3 MR. BASNAR: And that's Ninilchik, Nanwalek, Port
Graham and Seldovia. Taylor.

5

6 MR. BRELSFORD: Thank you, Mr. Chair. The suggestion
from the Regional Council was that the residents of Ninilchik,
Nanwalek, Port Graham and Seldovia would have customary and
traditional use of caribou in Unit 15(C). There is an
archaeological record indicating a deep, historic use of
caribou in this area. And in addition, caribou were taken
during the early historic period prior to their disappearing
from the Kenai Peninsula early in the 20th century.

14

15 Several of the communities have maintained a modest
level of caribou harvest outside of the Kenai Peninsula, and
that's reflected in both the community studies and the harvest
tickets. The Traditional Council at Ninilchik has expressed a
very strong interest in reanimating the tradition of caribou
hunting as soon as the reintroduced herds could sustain a
harvest, and this was in the form of a proposal to the Federal
Subsistence Board two years ago, if I'm not mistaken.

23

24 UNIDENTIFIED VOICE: I believe so.

25

26 MR. BRELSFORD: The residents of the south side of
Kachemak Bay, Nanwalek and Port Graham, have an ongoing record
of caribou harvests, primarily from the Nelchina Basin, in the
1980s and early 1990s. And Seldovia residents have a similar
contemporary pattern of caribou harvest outside of the
Peninsula. In regard to those three south Kachemak Bay
communities, the Federal lands involved would be in the Fox
River area at the headwaters of Kachemak Bay. And we have
discussed the maps and the proximity to Federal public lands
previously.

36

37 So to conclude, your discussion in January a year ago
found that this was a sufficient basis for a positive finding
for these four communities.

40

41 MR. BASNAR: Thank you. Helga.

42

43 MS. EAKON: Yes, Mr. Chair. The Council, at their
January 28, 1994 work session unanimously endorsed a C&T
termination for caribou in Unit 15(C) for residents of
Ninilchik, Nanwalek, Port Graham and Seldovia.

47

48 MR. BASNAR: Thank you. Council Members, comments,
questions? Gary, this is close to home, in your backyard, do

50

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272-7515

1 You have any historical data you'd like to share for the Board
2 to sink their teeth into?

3

4 MR. OSKOLKOFF: No. I think the information presented
5 is -- and previously discussed is pretty self-evident and
6 probably more concrete than a lot we have to deal with, simply
7 because of its proximity to those villages in question.
8 Therefore, if the Chair would entertain a motion, I would --
9 I'd be glad to make one.

10

11 MR. BASNAR: Okay. Please do.

12

13 MR. OSKOLKOFF: I'll move for a customary and
14 additional use determination for the residents of Ninilchik,
15 Nanwalek, Port Graham and Seldovia on caribou in Unit 15(C) on
16 Federal lands.

17

18 MR. BASNAR: Thank you.

19

20 MR. JOHN: I'll second it.

21

22 MR. BASNAR: Fred seconded the motion. Discussion? I
23 think at this point we do need to point out for the Board's
24 consideration that we are continuing with the same process, and
25 that we had previously had a pretty extensive discussion on
26 historic use of caribou on the Kenai, and that discussion also
27 applies to this particular finding. Further discussion?

28

29 MR. EWAN: Mr. Chairman.

30

31 MR. BASNAR: Go ahead, Roy.

32

33 MR. EWAN: This is not related but I just want to say
34 this. I know we've talked about the health of the caribou
35 population on the Kenai Peninsula before. But I think maybe
36 transporting some more into that area would be a good idea in
37 the future and something that ought to be looked at. And maybe
38 somewhere down the road, we'll recommend something like that
39 after a little further study.

40

41 MR. BASNAR: Thank you. Robert, can you speak to that
42 the biologist in charge?

43

44 MR. WILLIS: Thank you, Mr. Chair. Robert Willis, U.S.
45 Fish & Wildlife Service, biologist for the Southcentral Region.

46

47 There has been some discussion of moving some caribou
48 from Adak Island to parts of the Kenai that do not now have
49 caribou. This is something that's currently being discussed,

50

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272-7515

and I can't give you any definitive information on it at the time. You may be aware that with the reduction in size of the Naval base out at Adak or the air -- and the military installation there, there are not enough people to hunt that herd and keep it within the bounds of its habitat. And for that reason, the herd will have to be removed from the island. And there are various options for doing that, one of which is to remove as many as is economically feasible, alive, and transport them to some areas that have habitat but no caribou.

As far as augmenting the populations that are currently on the Kenai, I don't think that would be a worthwhile project because the habitat is limited. And we -- hunting seasons have already been initiated on some herds that are fairly small to keep them from becoming large enough to over-graze the habitat. Caribou are rather strange creatures as many of you know, and it's a little hard to predict what they're going to do and where they're going to go.

So at this time, trying to augment existing herds would probably not be a good idea. However, I will keep you informed as to the progress of the Adak Caribou Herd and if any decision is made to transfer animals from that herd to other portions of the Kenai that don't currently have caribou populations.

MR. BASNAR: Is there habitat on the Kenai that would support your move where there are none now?

MR. WILLIS: The answer to that is yes. Whether or not the existing herds will expand into it is something that we don't know yet. The -- what was formerly the Kelly River Herd and the Fox River Herd actually were two parts of the same herd that split soon after introduction. I was told just within the last few days by the Refuge manager down there at Kenai that those two herds are now back together and formed one herd, and they've crossed and occupied some area that they were not in and which we didn't know if they would occupy or not.

So the answer is there is some unoccupied habitat. Herds are spreading into that in some cases. In other cases, as you go further south closer to Homer, you have a lot of development going on on non-Federal lands, a lot of disturbance, ATV use, snowmobiles in the winter and this kind of thing, and this makes it hard to predict whether or not caribou would survive in that situation.

MR. BASNAR: Okay. Thank you. Any other discussion? All in favor of the motion signify by saying aye.

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272-7515

1 IN UNISON: Aye.

2

3 MR. BASNAR: Those opposed?

4

5 (No opposing responses)

6

7 MR. BASNAR: Motion passes. 15(C) sheep, residents of
Ninilchik, Nanwalek, Port Graham and Seldovia. Taylor.

9

10 MR. BRELSFORD: Thank you, Mr. Chair. As you've
mentioned, the Council's review comments indicated that the
residents of these four communities would have customary and
additional use of sheep in Unit 14(C) (sic). Most of the
basic documentation concerning sheep harvest practices by
Ninilchik residents has already been discussed when we looked
at Unit 7 and Unit 15(A). There's additional harvest ticket
information referring to activity in Unit 15(C).

18

19 For the residents of Nanwalek and Port Graham, the
addition is a bit more distinct. And the existing
documentation refers to the historic pattern of excursions in
the Fox River Valley at the head of Kachemak Bay. However, in
the community studies conducted in the 1980s and early 1990s,
there were no recorded harvests and there are no harvest ticket
reports from that second source of information. However, it's
likely that the harvest use area in recent history would be
very similar to the mapped goat harvest area for these two
communities, and that would include a zone along the head of
Kachemak Bay into the lower Fox River Valley and south along
Kachemak to Aurora Lagoon. And this would appear to overlap
with the boundary of the Kenai Peninsula National Wildlife
Refuge.

33

34 The residents of Seldovia are represented in harvest
tickets as taking sheep in Unit 15 as was noted in the
discussion of Unit 15(A). And I think that that's it.

37

38 MR. BASNAR: Thank you. Helga.

39

40 MS. EAKON: At their work session in January, 1994, the
Council endorsed a C&T determination for sheep in Unit 15(C)
for residents of Ninilchik, Nanwalek, Port Graham and Seldovia.

43

44 MR. BASNAR: Thank you. Council Members, comments,
questions?

46

47 MR. LOHSE: I move that we find C&T for Unit 15 Federal
and sheep for Ninilchik, Nanwalek, Port Graham and Seldovia.

49

50

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272-7515

1 MR. BASNAR: Thank you.

2

3 MR. EWAN: I'll second that motion. Mr. Chairman,
 4 under discussion, just I'd like some information. I'm not, you
 5 know, a goat hunter so I would like to know if anybody has any
 6 statistic on other areas where they hunt goats of I guess the
 7 rate of success, I guess is what I'm thinking. Say if you
 8 had

9

10 MR. BASNAR: We're talking sheep.

11

12 MR. EWAN: We're talking sheep? I thought we were on
 13 goat, I'm sorry.

14

15 MR. BASNAR: Sheep. We're on sheep.

16

17 MR. EWAN: Okay. Okay. Then I'm on the wrong one, the
 18 wrong page.

19

20 MR. BRELSFORD: You're giving me a warning of what's
 21 coming.

22

23 MR. EWAN: Yeah.

24

25 MR. BASNAR: The next page we'll get back to you.

26

27 MR. EWAN: Sorry, Mr. Chairman. I flipped over one
 28 page.

29

30 MR. BASNAR: We'll wait on your sore tooth comment.
 31 Okay. Are there any other comments, questions?

32

33 MR. LOHSE: I'd like to ask

34

35 MR. BASNAR: Ralph.

36

37 MR. LOHSE: Gary if he's got any comments on it
 38 from being down in that area?

39

40 MR. OSKOLKOFF: From what I stated before at the
 41 previous meeting and I'll just restate, very shortly the -- and
 42 think this might help address Roy's concern too, is that the
 43 opportunity is pretty limited and the harvest is relatively
 44 opportunistic. But given that the proximity of the area is so
 45 accessible by comparison to say Turnagain Arm that it had been
 46 used more frequently and in more recent times, primarily by --
 47 the most recent times by those who had access to commercial
 48 fishing vessels and even small row boats, 'cause you're simply
 49 going up Kachemak Bay is essentially what it comes down to, in
 50

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1 a relatively calm area. So it is a -- it has been used both as
2 a single hunt and as a ancillary hunt.

3
4 So I think you can kind of fit it in either one of
5 those categories, but yes, it's occurred even common --
6 relatively commonly even in recent times.

7
8 MR. EWAN: Mr. Chairman. I guess my --

9
10 MR. BASNAR: Roy.

11
12 MR. EWAN: my question, I guess, relates to the
13 sheep, too. The reason I bring it up is maybe I'm out there
14 every year trying to get a sheep, and I couldn't get a sheep,
15 that means that I'm -- you know, not -- there's nothing on
16 record that shows our community got any sheep, but we're all
17 out there trying. I mean, maybe we're -- I don't know. I
18 don't know whether this is -- I think it's something that I
19 would be concerned about, some guy, a younger person that can
20 out-walk me could be successful and I could be not successful.
21 But I'm still a sheep eater and user of sheep in the past.
22 But there will be -- you know, there'll be a little difference
23 here I think when you're determining past usage of various game
24 that are hard to get like sheep and goat.

25
26 MR. BASNAR: You're saying that as the population ages
27 maybe the pattern changes until

28
29 MR. EWAN: No. I

30
31 MR. BASNAR: the younger generation is old enough
32 to hunt the sheep again?

33
34 MR. EWAN: Right. But when we look at the background
35 information about our history, you know, of take, you know,
36 that nothing is mentioned about that all those that attempted
37 to get one, you know. But that's what I'm getting at. Yeah.

38
39 MR. BASNAR: Sheldon.

40
41 MR. KATCHATAG: Thank you. Sheldon Katchatag, Chairman
42 of the South -- Seward Peninsula Subsistence Regional Advisory
43 Council. One concern that I've been thinking of as I've been
44 listening to you deliberate here, and this goes along the lines
45 of Mr. Ewan's concern. The objection I have to the content of
46 the report is that it's based on harvest records. And I've
47 stated time and again in other forums that -- and I think the
48 ADFG's records will back me up on this, is that the indigenous
49 peoples residing in these areas are, for want of a better term,
50

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272-7515

notorious for not complying with either hunting licenses and/or harvest tickets.

3

4 I have concerns that you're basing customary and
5 traditional use on compliance with existing regulations over
6 the years. I would like to interject that customs and
7 traditions as taught in indigenous communities and by
8 indigenous people are not re- -- they do not require licenses
9 and permits and harvest tickets. So that's a concern that I
10 would like to bring forward is that customs and traditions are
11 taught as the participants grow so that it becomes a part of
12 their cultural fabric. And that's basically the position that
13 I would like to see entered into the record, that as Mr. Ewan
14 says even though he does not have a record that's acceptable to
15 the analysis, given that he has a harvest ticket that shows
16 that he has caught at least one, that I'm sure he would express
17 for the record that he has been brought up in the custom of and
18 addition of harvesting opportunistically not only sheep but all
19 other resources within his access. And that's basically the
20 thrust of my concern.

21

22 Thank you, Mr. Chairman.

23

24 MR. BASNAR: Thank you. I think that to respond to
25 Sheldon's comment, to reinforce it perhaps, he was not here
26 this morning to hear some of our earlier deliberations.
27 Perhaps to set your mind at ease, we have specifically and
28 repeatedly said about what you said in almost those same words
29 throughout our discussion. What you see written here is not
30 our words. These are words that we take and then we depart
31 from them in our deliberations. And we have all day long
32 slated for the Board to consider that even though there may not
33 be harvest data, the fact that we've got experts here with
34 ancestors going back years and years, that's been good enough
35 for us.

36

37 And so, I think we're on the same sheet of music.
38 Thank you.

39

40 MR. KATCHATAG: Thank you, Mr. Chair. I would just
41 like to thank the Council for bearing with me and the fact that
42 I wasn't here to hear that in your morning session, and I thank
43 you for your time and patience and consideration. Thank you,
44 Mr.

45

46 MR. BASNAR: Okay.

47

48 MR. EWAN: Now, we'll get a question.

49

50

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272-7515

1 MR. LOHSE: Go for it.

2
3 MR. BASNAR: The question's been called. All those in
4 favor of the motion on 15(C) sheep signify by saying aye.

5
6 IN UNISON: Aye.

7
8 MR. BASNAR: Those opposed?

9
10 (No opposing responses)

11
12 MR. BASNAR: Motion carries. Now, we go to goats,
13 (C), the same communities, Ninilchik, Nanwalek, Port Graham
14 and Seldovia. Taylor.

15
16 MR. BRELSFORD: Yes, thank you, Mr. Chairman. As you
17 state the four communities were the suggested recognition (ph)
18 of C&T uses of goat in Unit 15(C). The rationale statement
19 refers to the aboriginal harvest practices on the Kenai
20 Peninsula. And for the community of Ninilchik points out that
21 there's conflicting information from the community studies, the
22 1980 to 1992 interviews, and the harvest tickets; but that
23 taken together they do indicate an ongoing pattern of use of
24 goat in Unit 15(C).

25
26 Turning to the communities of Nanwalek, Port Graham and
27 Seldovia, the circumstance is really dramatically different.
28 There are a number of goat hunts on the south side of the
29 Kachemak -- of Kachemak Bay. And there's a long-standing
30 recognition, initially in the State C&T determinations and
31 subsequently in the Federal C&T determinations, that those
32 three communities had traditional uses of goat in the
33 southwestern most portion of Unit 15(C). However, that's a
34 zone in which there are no Federal public lands. So the
35 historic pattern of use of this resource is admitted and
36 recognized, well-documented.

37
38 The problem that we spent a bit of time pondering last
39 time was actually the use of Federal lands or the proximity to
40 Federal public lands. And as we've said earlier, the nearest
41 Federal public lands occur partway up Kachemak Bay on the south
42 side in the vicinity of Aurora Lagoon. And more -- in a
43 greater volume, greater extent at the headwaters of the Fox
44 River Basin. And we've described the -- summarized the mapped
45 information and the narrative comments talking about the fall
46 hunting effort by the residents of these three communities
47 traditionally up in the Fox River Valley.

48
49 So those were the points of information available to
50

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272-7515

you when you reach the conclusion, that these four communities should have C&T recog- -- C&T uses recognized for goat in 15(C). And I think the Council comments are not extensive, they essentially say the same thing.

5
6 MR. BASNAR: Thank you. Has Helga left for the

7
8 MR. BRELSFORD: I'm not sure. She left me. I'm flying solo again, oh, no.

10
11 MR. BASNAR: Okay. Well, I think we adopted the motion last time. Thank you. Council, comments, questions on goats? And my recollection is that we -- when we discussed this last year, we realized that probably these people didn't venture that far; if they did, it was probably pretty infrequent. But nevertheless, that little piece of Federal land that is available to them is on the south side of Kachemak Bay and, therefore, it certainly probably has been used over the years, whether or not there's any harvest data to back it up. So that's what my memory tells me that we discussed last time.

21
22 Any other comments from the Council? Entertain a motion.

24
25 MR. LOHSE: Mr. Chairman.

26
27 MR. BASNAR: Yes, Ralph.

28
29 MR. LOHSE: I would move that we find a C&T finding for goats on Federal land in Unit 15(C) for the residents of Ninilchik, Nanwalek, Port Graham and Seldovia.

32
33 MR. EWAN: Second.

34
35 MR. BASNAR: We have a second. Roy seconded. Further discussion?

37
38 MR. OSKOLKOFF: Question.

39
40 MR. BASNAR: The question's been called, all in favor of the motion signify by saying aye.

42
43 IN UNISON: Aye.

44
45 MR. BASNAR: Those opposed?

46
47 (No opposing responses)

48
49 MR. BASNAR: Motion passes unanimously. 15(C) black

50

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272-7515

Bear, Ninilchik residents as well as Nanwalek, Port Graham and Seldovia. Taylor.

3

4 MR. BRELSFORD: Thank you, Mr. Chair. Again, the four
5- the same four communities are suggested as being recognized
6s having C&T uses of black bear in Unit 15(C). The
7information concerning the harvest effort by Ninilchik
8residents and the geographic locations has already been
9described under Unit 7 and 15(A).

10

11 In cons- -- in respect of the communities of Nanwalek,
12Port Graham and Seldovia, there are aboriginal, historic and
13contemporary sources of documentation indicating an ongoing and
14actually a very high or very significant level of harvest.
15This is a resource that forms a significant part of the food
16consumption in these south Kachemak communities. And the
17mapped use areas and the proximity to Federal land is the same
18situation that we discussed a minute ago, so it doesn't need to
19be repeated.

20

21 And with that I'll conclude and let Helga go.

22

23 MS. EAKON: The Council endorsed the C&T determination
24for black bear in Unit 15(C) for the residents of Nanwalek,
25Port Graham, Seldovia and Ninilchik. I should mention that
26Cooper Landing was not included because there was no harvest
27data with C- -- for Cooper Landing.

28

29 MR. BASNAR: Okay. Thank you. Council Members.

30

31 MR. OSKOLKOFF: Mr. Chairman, I'll make a motion for a
32customary and traditional use finding for the residents of
33Ninilchik, Nanwalek, Port Graham and Seldovia for the Unit of
3415(C) for black bear on Federal lands.

35

36 MR. BASNAR: Thank you.

37

38 MR. JOHN: I second it.

39

40 MR. BASNAR: Fred seconded. Discussion? Was Cooper
41Landing the -- included in the original proposal?

42

43 MR. LOHSE: Yes.

44

45 MR. BRELSFORD: Yes, it was.

46

47 MR. BASNAR: And we excluded Cooper Landing based on
48lack of data, is that correct?

49

50

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272-7515

1 MR. LOHSE: Um-hum.

2

3 MR. BRELSFORD: I think there was mixed information.
Reading from the original documentation that you used at that
time, the sentence is: The geographic distribution of harvest
effort mapped for Cooper Landing residents indicates use of the
south shore of Lake Tustumena within the Federal public lands
in 15(C). And then there was -- in sealing records, there were
no indications of reported harvests by Cooper Landing residents
of black bear in Unit 15(C). So the map suggested that on the
northern part of 15(C), they did use that area but the sealing
records did not -- were not consistent with that.

13

14 MR. BASNAR: Now, to clarify that in my mind, these
maps you refer to are the maps that the local residents drew on
areas where they had traditionally hunted black bear?

17

18 MR. BRELSFORD: That's correct. There were a series --
there was community studies conducted in Hope, Cooper Landing
and Whittier in the 19- -- in about 1992 as I remember; funded
by the Forest Service and conducted by the Alaska Department of
Game, Division of Subsistence. And those were conducted using
the best methods that ADF&G has come up with, and they include
a very focused effort on mapping of community use areas. So
those would be the maps that we're referring to for Cooper
Landing.

27

28 MR. BASNAR: And the south shore of Tustumena Lake is
an area that was included by the Cooper Landing residents?

30

31 MR. BRELSFORD: That's correct.

32

33 MR. BASNAR: Okay. Ben, that's your backyard, have you
got any comments about Cooper Landing bear hunters?

35

36 MR. ROMIG: Yeah. I think our discussion before,
Mr. Chairman, was we found it kind of hard to -- I think that
was, you know, a real inefficient way of getting black bear
travel all the way to 15(C) when there's plenty in the area,
in the immediate area.

41

42 MR. BASNAR: Okay. I wonder if we're being consistent;
although, I agree with Ben that economy of effort is certainly
a factor and an important one. You don't go 20 miles to shoot
something if you can do it in one mile. But I wonder if we're
being consistent here by excluding Cooper Landing. Any other
thoughts on that?

48

49 Roy?

50

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

1
2 MR. EWAN: Pardon? No. I'm just talking to Ralph.
3
4 MR. BASNAR: Okay. I see no other comments on this.
5
6 MR. KATCHATAG: Mr. Chairman.
7
8 MR. BASNAR: Sheldon. We got a new member of our
9 Council here, Sheldon Katchatag.
10
11 MR. KATCHATAG: Thank you, Helga, Taylor. I didn't
12 mean to displace you both. I ask the Council's indulgence.
13 One of the things that I am concerned about here is that the
14 intent of the Fish & Wildlife Service, and this had been stated
15 me and again, that they're looking at these customary and
16 additional uses. They adopted the State's customary and
17 additional uses. And their intent all along is for the State
18 to come into compliance with Title VIII of ANILCA regarding
19 customary and traditional use.
20
21 And I think that the boundaries that you're speaking of
22 with regard to whether land is Federal or not is irrelevant
23 with regard to customs and traditions. By that, I mean that
24 the split between State and Federal lands is a very recent one
25 you go by generations. You're looking at less than two
26 generations between 1959 and the present, 36 years. And that
27 customs and traditions, to my understanding, are something of
28 longer term than that.
29
30 And I would ask that you bear in mind that if, in fact,
31 the State does come into compliance with Title VIII, I have
32 concerns that due to the State's past history with regard to
33 subsistence I would wonder if, in fact, that if they do come to
34 manage subsistence again that they will revert to their old
35 hostile customary and traditional use determinations. And
36 that's why I would say that your custom and traditional use
37 determination should be on the customs and traditions of those
38 people affected rather than the artificial boundaries of
39 Federal and State lands. And that's the gist of my concern.
40
41 MR. BASNAR: Thank you.
42
43 MR. KATCHATAG: Thank you, Mr. Chairman. And excuse me
44 Taylor and Helga.
45
46 MR. BRELSFORD: No problem
47
48 MR. BASNAR: Any other comments?
49
50

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

1 MR. LOHSE: Mr. Chairman.

2

3 MR. BASNAR: Yes, Ralph.

4

5 MR. LOHSE: While I share those concerns, at the same
6 time as we deal with this we have to deal with it on a unit by
7 unit, community by community basis because that's the
8 limitations that we're given at this point in time. The
9 question before us right now is on the black bear in this
10 unit 15(C) and whether or not a community like Cooper Landing
11 which has a -- from the -- you know, from the report from the
12 person who lives there, a very if not small, very incidental
13 excursion into 15(C) for the purpose of taking something that's
14 closer to home justifies the terminology of customary and
15 additional. Again, we're dealing -- we're also dealing with
16 a very -- you know, a comparatively long-term usage right
17 there.

18

19 I really don't know how to answer that one. You know,
20 the fact that somebody has taken something there once does not
21 make it customary and traditional in my way of thinking.

22

23 MR. BASNAR: Okay. Thank you, Ralph. I feel that, you
24 know, there are so many black bears around Cooper Landing and
25 many black bears between there and the unit in concern, and
26 fact if they went back to State land, they'd even have to go
27 even farther away to hunt on State land down in 15(C), that I
28 think we're well within our -- in a reasonable context of
29 finding that the Cooper Landing people, again based on local
30 input, have not traditionally gone that far to hunt black bear.

31

32 This is not an attempt, I don't think, on the part of
33 the Council to deprive anybody of a C&T use of an animal, but
34 rather one more of sound judgment and common sense in that they
35 didn't do it to any degree or any large numbers. And of course
36 we put them down there, that's an additional conflict with
37 the local users who have to go a lesser distance to reach the
38 black bears. In other words, Cooper Landing's going to come
39 down in competition with Ninilchik. We're not trying to
40 arbitrate that sort of thing but that would be a fallout.

41

42 MR. JOHN: Excuse me, Mr. Chairman.

43

44 MR. BASNAR: Yes.

45

46 MR. JOHN: You know, customary and traditional use down
47 there, I think they have every right to hunt up there. They
48 have it and I don't think they should be down there. I think
49 it's based on customary and traditional.

50

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. OSKOLKOFF: Mr. Chairman, I agree. And I think
we're being very consistent in the fact that in our previous
discussions we had -- didn't have people from Seldovia, for
instance, hunting -- or receiving a customary and traditional
use finding in 15(A) which is where Cooper Landing is. So I
think we've used kind of a very similar criteria in defining
that.

9
10 MR. BASNAR: Okay. Any other discussion?

11
12 MR. EWAN: Call for the question.

13
14 MR. BASNAR: The question's been called. All those in
favor of the motion signify by saying aye.

16
17 IN UNISON: Aye.

18
19 MR. BASNAR: Those opposed?

20
21 (No opposing responses)

22
23 MR. BASNAR: Motion carries. I think this brings us to
the one we've been looking for all day, 15(C) brown bear.
Taylor.

26
27 MR. BRELSFORD: I hope that has something to do with
the content and not just the sequence. The Council's
considerations led you to suggest that the residents of
Ninilchik would have customary and traditional use of brown
bear in Unit 15(C). The rationale statement points out that in
the aboriginal period Native people on the Kenai Peninsula did
harvest brown bears. In the contemporary era, there's mixed
information. A couple of key studies in Ninilchik, 1982 and
1992, did not report harvests of brown bears; however, sealing
records did indicate a small but consistent level of harvest
activity by Ninilchik residents in Unit 15(C). And that's the
basis of documented information that you drew upon in your
deliberations.

40
41 MR. BASNAR: Thank you. Helga.

42
43 MS. EAKON: The Council endorsed a C&T determination
for brown bear in Unit 15(C) for residents of Ninilchik.
However, the Council took no action on the Homer rural area.

46
47 MR. BASNAR: Okay. Thank you. Taylor.

48
49 MR. BRELSFORD: Excuse, Mr. Chairman. I mention that

50

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

the question of hunting for food was raised in your discussions, and I think it was -- it's Mr. Oskolkoff's comments in the minutes regarding the status of what uses are made of brown bears in the contemporary era, and that may be pertinent to the Board's considerations. It may be worth highlighting your considerations in that respect.

7
8 MR. BASNAR: Okay. Thank you. Gary, do you want to
9 enlighten us on that?

10
11 MR. OSKOLKOFF: Yeah. The question of brown bear is a
12 little bit different I think than probably anything else we've
13 dealt with in that it is regarded in several different ways
14 amongst the Native people in the area in that it is rarely
15 eaten but it is considered a resource of very near last choice
16 as far as consumption goes. However, the -- I think we should
17 take into account the other uses, and those are primarily that
18 was taken for its skin and for warmth and ceremonial
19 purposes, and the ornamentation through its claws and teeth and
20 whatnot. But primarily, it was considered a very special
21 honor to be bestowed upon the -- only the most worthy of
22 hunters because it almost had religious significance among the
23 Native people of my tribe.

24
25 MR. BASNAR: Thank you. Yes.

26
27 MR. HEINRICHS: Yeah. Well, you might as well throw
28 Nanwalek and Port Graham in there, they're in the same
29 district. The fact that there are more Native villages, they
30 wouldn't come and tell everybody if they were doing it anyway,
31 you know. And I think they should be added to this, because
32 what Gary said about his tribe goes for their tribes, too.

33
34 MR. OSKOLKOFF: Mr. Chairman, if I could.

35
36 MR. BASNAR: Yes, Gary.

37
38 MR. OSKOLKOFF: When we had -- when we were discussing
39 this the first time around, it's one of those same situations
40 which we just didn't have information available from the
41 other tribes. I spoke for my tribe. And I believe that that
42 is correct, that it would be true for the other tribes in the
43 area. But I didn't want to be so presumptuous as to speak for
44 them, but I firmly believe that that is the case, that they're
45 regarded in the same way, I just haven't had the time to look
46 into that more directly for that purpose.

47
48 MR. BASNAR: Thank you, Gary. Mr. Willis.

49
50

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

1 MR. WILLIS: I would just like to point out a couple of
2 things in connection with brown bear. First of all I guess is
3 the fact that we do have a number of areas in the State that
4 have a customary and traditional use for brown bear. In all of
5 those areas, the Federal regulations specify that all of the
6 meat must be salvaged, that these animals are to be taken only
7 for consumption as food. And I notice that under brown bear in
8 Unit 15(B) on Page 21 of the summary, the rationale for no
9 qualifying customary and traditional uses on Federal public
10 lands are that -- for those communities, I quote, "community
11 studies did not indicate that these were for food consumption."
12 I thought I should point that out.

13
14 First of all, the Board's concerned that taking brown
15 bear should be only for food consumption; and second, that this
16 Council had previously indicated that although there was
17 harvest in another area that since they were not taken for food
18 that there was -- the Council did not recommend customary and
19 additional use for that area. That's all I have.

20
21 MR. BASNAR: Thank you, Robert. We also had a member
22 of the public from the Kenaitze Tribe testify today that they
23 did not eat brown bear. She's no longer with us but her
24 testimony is on the record. Thank you.

25
26 Yes, Gary.

27
28 MR. OSKOLKOFF: Could I ask just one question, if you
29 would?

30
31 MR. BASNAR: Sure.

32
33 MR. OSKOLKOFF: What did you cite exactly for the logic
34 of not -- was there a specific law that you referenced?

35
36 MR. WILLIS: The Federal Subsistence Management
37 regulations, if you look under the section dealing with harvest
38 of bears, it specifies that they have to be taken for
39 consumption as food. And if you don't have a copy in front of
40 you, I can get one real quick and read it to you.

41
42 MR. BASNAR: Does it specifically say food? 'Cause
43 consumption can be construed as use of ceremonial or other
44 uses. So I'd be interested in the answer to that question.

45
46 And while he's looking that up, referring to our
47 matrix, when we initially looked at this, Alternative A that
48 was presented to us was Ninilchik and the Homer rural area.
49 Alternative B said no qualifying C&T on Federal public lands.
50

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

And so what we ended up doing is coming up -- deleting Homer Rural area, finding for Ninilchik rather than going with Alternative B which said no qualifying.

4

5 At no time were the villages of Nanwalek and Port
6 Graham discussed or proposed. And I'd like to refer back to
7 your question from Cordova or suggestion I should say to well,
8 let's throw in Port Graham and Nanwalek. I really don't feel
9 as a Council that we can just add somebody arbitrarily like
10 that. I am certainly not opposed to doing it, sir.

11

12 MR. HEINRICHS: Yeah.

13

14 MR. BASNAR: And not opposed to entertaining good
15 arguments in favor of doing it. But I don't think we can say
16 well, let's just go ahead and kind of add them in because they
17 were Native villages. No. I don't think that that's the
18 sound, rationale way to approach this. But if we can come up
19 with some evidence that says that these people have customarily
20 and traditionally used these animals, then by all means, we'll
21 discuss it and whatever the Council decides.

22

23 Do you have -- yes.

24

25 MR. HEINRICHS: Well, I don't have the evidence in my
26 hand, but what I use is common sense. These people lived there
27 forever, and if brown bear came through there, they were going
28 to use it for something. They used everything else that was
29 there. It's

30

31 MR. BASNAR: Well, yeah, what you say is true again.

32

33 UNIDENTIFIED VOICE: A comment.

34

35 MR. BASNAR: Yeah. Let me get Mr. Willis.

36

37 MR. WILLIS: I have the regulation. Page 16 under
38 Utilization of Wildlife states that a person taking wildlife
39 for subsistence uses must salvage the following parts for human
40 use; the hide and edible meat of a brown bear except that the
41 hide of brown bears taken in the Western and Northwestern
42 Alaska Brown Bear Management Areas in Units 5 and 9(B) need not
43 be salvaged. That was the ball to which I was refer- -- or the
44 regulation to which I was referring.

45

46 MR. BASNAR: Okay. Thank you.

47

48 MR. EWAN: Does it say why the -- there's an exception?

49

50

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810 N STREET
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1007 WEST THIRD AVENUE
272-7515

1 MR. LOHSE: Yeah. People out there eat brown bear on a
2 regular basis and so they have no real interest in the hide. I
3 mean that was

4

5 MR. WILLIS: There was an exception made that the hides
6 - under State regulation, the hide and the skull must be
7 salvaged and sealed. And in those two areas an exception was
8 made that the hide does not have to be retained or the skull
9 sealed, but all the meat has to be salvaged for human -- all
10 the edible meat has to be salvaged for human consumption.

11

12 MR. BASNAR: Well, that's a good point you've raised,
13 if we're going to be consistent and also be in accordance with
14 the regulation unless we want to propose to change the
15 regulation.

16

17 MR. LOHSE: Mr. Chairman.

18

19 MR. BASNAR: Yes, Ralph.

20

21 MR. LOHSE: Not to bring it up, but one of the things
22 that we're looking at right here when -- and I can remember our
23 discussion, our original discussion on it. We discussed
24 Anwalek and Port Graham to a certain extent and Ninilchik, and
25 basically looked at the fact that we were suppose to be
26 dealing with Federal land and their proximity to Federal land.
27 And I'm in total agreement with Robert over there that, you
28 know, there's no question that if a bear went through their
29 area, they're going to use it. But the area that they
30 additionally hunt and the area that they put on their maps
31 that they traditionally hunt basically are not in 15(C) on
32 Federal land, they're down in the lower end of 15(C) and they
33 come around the side of Unit 7 over there.

34

35 And the question would be whether they would -- on
36 something like brown bear, which they -- like Gary says, it was
37 not used very often, whether they would travel all the way up
38 the upper end of 15(C) to go brown bear hunting, you know.
39 Not that they don't use brown bear but whether they'd actually
40 travel and hunt in that area that's called Federal land.

41

42 MR. BASNAR: Thank you. Yes.

43

44 MR. HEINRICHS: Well, that's good. But you know, this
45 Federal lands today, what's going to be Federal lands
46 tomorrow? EVOS is trying to buy every piece of Native land in
47 the State, you know. And they're trying to buy Port Graham and
48 English Bay's land, and that'll be Federal land if they buy it,
49 you know. You know.

50

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. BASNAR: Yeah, you got a point there.

3
4 MR. HEINRICHS: I mean this is today, what's tomorrow?
5 You know, if you tell me what's going to happen tomorrow,
6 that's great. But they're trying to buy up -- they're talking
7 spending 500 million dollars of that settlement just to buy
8 lands. And they claim that it will be Federal lands when they
9 buy them, and they'll probably make a park out of it or
10 something, you know, so

11
12 MR. BASNAR: Well, we can only deal with today and try
13 to plan for tomorrow but we can't with it until it happens.
14 The thing that concerns me, I guess, the most about this is
15 what Mr. Willis has pointed out. Apparently, we have committed
16 an inconsistency, and it certainly was inadvertent. But I
17 don't know. Mr. Katchatag's trying to get my attention. And
18 briefly, please, Sheldon.

19
20 MR. KATCHATAG: Thank you again, Mr. Chair. I believe
21 Title VIII of ANILCA does not require that everything under C&T
22 be there for food. There are animals besides bear, such as
23 wolf, and wolverine, and fox and marten and mink which are not
24 used for food but which are used for clothing and other uses.
25 And I know that prior to the migration of moose in our -- into
26 our area, speaking from personal experience, that in order to
27 get ready for winter it was our custom and tradition, due to
28 the availability of brown bear, to harvest them for food in the
29 late fall after they've been in the berry patches for some
30 months so that the berry juices have taken the old fish smell
31 out of their flesh.

32
33 So the custom and tradition of using them for food is
34 here. But the majority of brown bears were traditionally used
35 not for human consumption but for training foods for things
36 like dog team. I have a custom and tradition passed onto me by
37 my uncle that if in fact that I wanted to have a superior dog
38 team for the annual New Year's race that he told me that he's
39 learned from his experience and from being taught by his Elders
40 that if you feed your dog team increasing amounts or increasing
41 proportions of their feed daily for about a week, so that by
42 the end of that week, they're almost all -- getting almost all
43 bear meat, that you'll have a superior team come race day. And
44 that is a custom and tradition for in the last I'd say a hundred
45 years or so that we do have annual dog races at the New Year's.
46 And, you know, each village has their own records of these
47 things happening prior to statehood.

48
49 But what I wanted to clarify is I object to the use of
50

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

a regulation which is arbitrary to say that customs and traditions with regard to brown bear should not be recognized unless they're used for food. And as Gary Oskolkoff so eloquently stated is that for the most part, as long as there are other sources of meat, that most people will use brown bear as a food of last resort. But I would like to say here and now that there is custom and traditional use.

8

9 Thank you, Mr. Chairman.

10

11 MR. BASNAR: Thank you. I have a little difficulty in destroying a magnificent brown bear to feed it to dogs to win a race one day out of the year, but that's just I guess my culture compared to yours. But I have a little difficult- --

16

17 MR. KATCHATAG: Well, but that's just one example. The hides are used because they keep your floor warm. They're good mattresses. You know, there are customs and traditions with regard to brown bear.

21

22 MR. BASNAR: Well, I think what we're up against here, Council, is the fact that there is a regulation that requires the use of food, whether that regulation is correct is subject, of course, to discussion and subject to change.

26

27 MR. LOHSE: Mr. Chairman.

28

29 MR. OSKOLKOFF: Mr. Chairman.

30

31 MR. BASNAR: Yes. Gary.

32

33 MR. OSKOLKOFF: Unless I heard the reading wrong, what I understood was that the remainder should be retained, the salvageable meat should be retained for food. And I don't think it necessarily has to be taken specifically for food. And frankly, you know, I've never been a big fan of regulation. So start with, I hate to say this in the present company. But if we're going to take regulation over law, I have a real problem with that. ANILCA is a law and that's what we're attempting to interpret with the advice of this Council. And if we -- fortunate for us, if we depart from the law in the eyes of the Board, they probably won't take our advice.

44

45 So I think we're -- we have a pretty safe bet in the way ANILCA states the uses, at the way it alludes to uses, that we would be in pretty safe territory to take that on.

48

49 MR. BASNAR: Thank you. Ralph.

50

R & R COURT REPORTERS

810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. LOHSE: Yeah. I also didn't hear anything that --
3 while I heard the word "rarely" and it also sounds like it's
4 rarely that a bear is taken, I didn't hear anything that said
5 that they didn't use it for food -- I mean that if a bear was
6 taken, it wasn't used for food. I heard that it's rarely
7 taken, it's rarely used for food, and it's used for other
8 things besides food. Having lived in an area where bear were
9 -- I mean I can understand it because I've lived in an area
10 where brown bear aren't thought of as a food resource, and I
11 also lived in an area in Alaska where brown bear was one of the
12 major food resources. We didn't have anything other than sea
13 mammals other than brown bear to take as a food resource. And
14 having eaten brown bear myself, I don't have any -- I can
15 recognize where people come from with the reluctance to eat it,
16 but I hate to say it, it's awful good eating.

17
18 MR. BASNAR: Well, Clare Swan from the Kenaitze Tribe
19 this morning said they didn't eat brown bear.

20
21 MR. LOHSE: She said -- I think she said rarely ate
22 brown bear but maybe she said they didn't.

23
24 MR. EWAN: Mr. Chairman.

25
26 MR. BASNAR: Okay. Yes, Roy.

27
28 MR. EWAN: I'm a little bit mixed up here. On one
29 hand, we are talking about whether to make brown bear a
30 subsistence animal for this particular community, and we're
31 talking about the use of it. Is that -- are those two
32 different things or do they just all got to be considered as
33 one?

34
35 MR. BASNAR: Well

36
37 MR. EWAN: It seems to me like what Bob is talking
38 about is the second step. First is -- you know, what Gary does
39 with the meat down the road is the second step I think. The
40 first thing is did he -- did they use it for subsistence in the
41 past and so on.

42
43 MR. BASNAR: Okay.

44
45 MR. EWAN: C&T determination. Yeah.

46
47 MR. BASNAR: Thank you. Any other comments? To move
48 this thing off dead center and finish up the day, Robert, did
49 you have any -- another comment?

50

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1
2 MR. WILLIS: Just a couple of things. First of all
3 that since this is a regulation, this Council or anyone else
4 can recommend a change in the regulation. And as far as -- the
5 regulation currently states that you have to salvage for human
6 use the hide and edible meat if you're taking one under
7 subsistence. And it specifically says that you can't use it
8 for dog food in another section, it has to be for human use,
9 okay.

10
11 Those things I wanted to add, and also the fact -- it
12 may have gotten lost in this discussion that I mentioned
13 earlier that when we dealt with brown bear in Unit 15(B), the
14 rationale for not having customary and traditional use was, and
15 quote, "the low and irregular rates of harvest effort and
16 success in Unit 15(B) were recorded for Cooper Landing and
17 Homer residents. Community studies do not indicate that these
18 were for food consumption." You used that in your rationale
19 for denying C&T in that instance, and that's why I pointed that
20 out.

21
22 And Gary's statement in 15(C) was that brown bear are
23 rarely eaten but are hunted, which indicates that they are
24 hunted when they are not hunted for food. That's the way I
25 interpreted that, and that was what set the alarm bell off in
26 my head, and I wanted to be sure that you understood there was
27 a regulation which required that all the edible meat be
28 salvaged. I guess you could pack it home and throw it away,
29 which seems rather wasteful to me. You can't by regulation
30 feed it to a dog or use it for another purpose other than human
31 use.

32
33 These are just some things for you to consider in
34 deciding whether or not you want to recommend customary and
35 additional use for brown bear.

36
37 MR. BASNAR: Okay. Thank you. I see this as two
38 separate issues as it's becoming more clear as the discussion
39 goes along. But I think we can find for or against, whatever
40 the Council's pleasure is, in favor of or against C&T. And
41 then, not today, but down the road, we'll discuss changing the
42 regulation so that people can take a brown bear and use the
43 hide and do -- and feed the meat to the dogs, if that is the
44 desire of the Council and the people out in the villages. But
45 it's not continue along this line any further because I don't
46 think we're getting anywhere and it is getting late. But these
47 are really good comments, I appreciate them all, from Sheldon
48 and Mr. Willis on down, everybody. Thank you.

49
50

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810 N STREET
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE
272-7515

1 I think right now let's focus on the issue of C&T use
 2 of brown bear for Ninilchik residents unless we wanted to amend
 3 it -- I'm sorry, our newest member, I've got a mental block on
 4 your name, I'm sorry.

5
 6 MR. HEINRICHS: Bob.

7
 8 MR. BASNAR: Bob, I'm sorry.

9
 10 MR. HEINRICHS: I'll make it a motion to amend to
 11 include Port Graham and Nanwalek.

12
 13 MR. BASNAR: Okay. The motion's been made to include
 14 Port Graham and Nanwalek.

15
 16 MR. LOHSE: I'll second it.

17
 18 MR. BASNAR: We have a second. Discussion?

19
 20 MR. OSKOLKOFF: Under discussion, I just wanted to try
 21 and maybe put people's minds at ease. When a person -- most
 22 people from my tribe would take any animal, you would have a
 23 hard time knowing that an animal was taken there. It is all
 24 salvaged. There is very little that is left, and the further
 25 you go back in the generations, the less there was and the less
 26 evidence.

27
 28 But -- and I add to that just really quickly that even
 29 the case nowadays when anyone in the village generally
 30 shoots a bear, black or brown, in defense of their home even,
 31 generally nearly all of that is salvaged. And I'm taking
 32 Native and non-Native in those cases. You know, otherwise it
 33 would end up in the dumpster and that rarely ever happens,
 34 usually someone's ready to take that meat and use it. So I
 35 just wanted to clarify that.

36
 37 MR. BASNAR: Thank you, Gary. Well, I have no
 38 objection personally to including Nanwalek and Port Graham in
 39 taking of brown bear as C&T. The problem I find is I just
 40 don't think they did in the little tiny amount of Federal land
 41 that's available, and that's what we're dealing with. We're
 42 not dealing with State land.

43
 44 MR. JOHN: Can I make a comment?

45
 46 MR. BASNAR: And as Ralph said earlier, they probably
 47 would go up into Unit 7 by sea and take the bears that way
 48 because of economy of effort. We haven't had any indication
 49 that they've ever used this small piece of land in 15(C). We
 50

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Haven't had any testimony from the people that they would like
 20. We haven't had any at all, and I just don't think we want
 30 start a precedent of saying well, let's just open it up to
 4 everyone. These resources are limited. We want to make
 5 certain that they're reserved for the people that deserve them
 6 the most. So those are my thoughts.

7

8 Yes, Bob.

9

10 MR. HEINRICHS: Yeah. Well, you know, up until
 11 1959,

12

13 MR. BASNAR: I'm sorry, Fred.

14

15 MR. HEINRICHS: it was all Federal land in
 16 Alaska, and they have taken these on Federal lands. Now, they
 17 only have this much land there, so if they're allowed, then
 18 they would have to go up there and do it, you know, if they
 19 wanted to do it. But I don't want to close the door to them
 20 cause they have a history of going up in there to hunting
 21 other things too. I don't want to close the door to them.
 22 's -- they've lived there forever, they should have the same
 23 Ninilchik, you know. 15(C) is a big area.

24

25 MR. BASNAR: Okay. Thank you. Fred.

26

27 MR. JOHN: Yeah. Like I said, we're protecting C&T.
 28 even if there is no Federal land, I think they still should
 29 be protected, their customary and traditional way of life even
 30 if they're, you know, so far away from Federal land.
 31 Eventually, I hope the State comes to compliance. And that's
 32 about all.

33

34 MR. BASNAR: Well, I -- our charter is to discuss C&T
 35 on Federal lands. We can't discuss C&T on non-Federal lands,
 36 that's -- you know, our authority stops at the edge of the
 37 Federal land boundary.

38

39 MR. JOHN: I was just talking in general. Their
 40 customary and traditional or our customary and traditional
 41 should be protected whether on

42

43 MR. BASNAR: Okay. Is there

44

45 MR. JOHN: Native land, Federal land or State
 46 land.

47

48 MR. BASNAR: Okay. As a general comment, fine. We
 49 need to move on. We have an amendment before the Council at

50

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this point.

2

3 MR. HEINRICHS: This guy wanted to say something here.

4

5 MR. BASNAR: Well, I don't want to continue to include
 6 another Council Member in our discussion. I do appreciate the
 7 input, is it pertinent to the amendment? Okay. Then please
 8 do.

9

10 MR. KATCHATAG: I just want to say that Title VIII of
 11 ANILCA under its definition says that subsistence uses are
 12 customary and traditional uses. It doesn't say on public
 13 lands, it says custom -- subsistence uses are customary and
 14 additional uses. And that's all I want to say. Thank you,
 15 Mr. Chair.

16

17 MR. BASNAR: Thank you, Sheldon. Back to the amendment
 18 before the Council, any further discussion on the amendment to
 19 include Nanwalek and Port Graham?

20

21 MR. OSKOLKOFF: Question.

22

23 MR. BASNAR: The question's been called. All those in
 24 favor of the amendment signify by saying aye.

25

26 IN UNISON: Aye.

27

28 MR. BASNAR: Those opposed?

29

30 MR. BASNAR: No. I'll vote no on that. The reason --
 31 and I want to give some rationale for my voting no. My
 32 reasoning is I have no evidence whatsoever. I don't have
 33 anyone here from that community or those communities, and I've
 34 always tried to base my decisions and recommendations on good,
 35 sound, solid evidence which does include aboriginal,
 36 historical, verbal history. But I don't have that before me
 37 here and now. I certainly would vote yes had I any evidence,
 38 members of the public that were here, I'd be more than happy to
 39 support them. But just to include someone arbitrarily goes
 40 against the process that I use in my determinations and that's
 41 why I voted against it.

42

43 Okay. That brings us back to the original motion as
 44 amended. The original motion now reads finding in favor of C&T
 45 use of brown bears for residents of Ninilchik, Port Graham and
 46 Nanwalek. Further discussion on the original motion?

47

48 MR. OSKOLKOFF: Question.

49

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1 MR. BASNAR: The question's been called. All those in
~~2~~ favor signify by saying aye.

3

4 IN UNISON: Aye.

5

6 MR. BASNAR: Those opposed?

7

8 (No opposing responses)

9

10 MR. BASNAR: Motion carries. Folks, it's been a long
~~11~~ day, unless Council Members object, I think we'll recess --
~~12~~ Whoops.

13

14 (Off record comments)

15

16 MR. BASNAR: Yes, Helga.

17

18 MS. EAKON: (Indiscernible) closure on the letter of
~~19~~ support to the Eastern Interior Subsistence Regional Advisory
~~20~~ Council regarding Upper Tanana recommendations from this
~~21~~ Council.

22

23 MR. ROMIG: I'll move to support the letter of
~~24~~ commendation.

25

26 MS. EAKON: What does the letter say?

27

28 MR. EWAN: I second it.

29

30 MR. LOHSE: Do you want me to read the letter out loud?

31

32 MS. EAKON: For the record.

33

34 MR. LOHSE: Okay. Yeah, I hope I can read the writing.
~~35~~ Dear Sirs, as the Southcentral Regional Subsistence Advisory
~~36~~ Council we would like to express our concerns with some of the
~~37~~ suggested findings on C&T in the Upper Tanana Region. While
~~38~~ all of the communities share access to the road system and in
~~39~~ relatively close proximity to each other, there seems to be
~~40~~ greater findings for some of the larger and newer communities.
~~41~~ When we compare this with current mobility and the oral
~~42~~ information and relationships of members of this Council, we
~~43~~ feel that this may be the result of incomplete information or
~~44~~ even a reluctance on the part of some cultures to share
~~45~~ information or even see the need to provide this type of
~~46~~ information.

47

48 In summary, we can see an apparent inequity when the
~~49~~ poorest communities have a C&T finding on a smaller area of land

50

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than newer communities.

2

3 MR. BASNAR: And do we have a motion to support that
4 letter?

5

6 MR. ROMIG: Yeah. I'd like to make a motion to support
7 the letter as read by Ralph.

8

9 MR. BASNAR: Okay. Do we have a second?

10

11 MR. JOHN: I second it.

12

13 MR. BASNAR: Fred seconded. Any discussion on the
14 letter?

15

16 MR. EWAN: Call for the question.

17

18 MR. BASNAR: Anybody want to modify it?

19

20 MR. EWAN: Call for the question.

21

22 MR. BASNAR: The question's been called. All in favor
23 signify by saying aye.

24

25 IN UNISON: Aye.

26

27 MR. BASNAR: Those opposed?

28

29 (No opposing responses)

30

31 MR. BASNAR: Motion carries. Helga, you got any more
32 details for us?

33

34 MS. EAKON: Go ahead. Ralph asked for suggestions from
35 Taylor.

36

37 MR. BRELSFORD: With your indulgence, Council Members,
38 an item to think about tonight, and we can decide on how to act
39 on this tomorrow morning. But we've mentioned during the
40 discussion on February 14th the effort to take a complete
41 package to the Federal Subsistence Board that would include
42 eligibility for the communities and the individual species, and
43 also some seasons and bag limits. I think we want to evaluate
44 whether that can be done and how we might go about it.

45

46 Basically it seems there would be three options. One
47 would be to take no action on seasons and bags this year and to
48 hold off until next year in order to do that. That is to say
49 the eligibility findings would be addressed by the Board but

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there would be no linked seasons and bag limits. There are no current Federal subsistence seasons and bag limits in Unit 7 and 15. That's the no action option.

4

5 A middle road option might be to take some of the highest priorities for seasons and bags to implement this coming year, things like the community harvest limit of five moose that were requested by the community of Ninilchik, as an example. There may be two or three very key, strategic requirements for some new seasons and bags to implement the recommended eligibility that you're working on. That would be kind of a middle road option.

13

14 And to do the whole job, to take the comprehensive road, we would need to look at seasons and bags for each of the species in each of these areas and perhaps evaluate the State's approach, modify it as would be appropriate. That last option probably requires a good deal more information and consideration than we have time to do today and tomorrow. So as a practical matter, the choice may come down to no action versus some selected and really highly -- high priority actions.

23

24 Some of the biologists have come with the intention of being available to you; Ted Spraker, the Refuge Staffs, Robert Willis; there's a limited amount of biological information that they've been able to review and be prepared to brief you on verbally if you want to proceed into this. But both Ted and the Refuge Staff will be back tomorrow morning in case you want to take up some of these priority issues, and Robert will be here as well. So maybe we could kind of choose a pathway early in the morning, and based on your decision go ahead and finalize the package for the Federal Subsistence Board.

34

35 MR. EWAN: Mr. Chairman, I

36

37 MR. BASNAR: Yes.

38

39 MR. EWAN: want to ask Taylor where -- this is on the agenda, which item are you referring to?

41

42 MR. BRELSFORD: It would be a matter of concluding the Kenai C&T activity.

44

45 MR. EWAN: Yeah. This -- part of this? I see, okay.

46

47 MR. BRELSFORD: Right.

48

49 MR. EWAN: I have another question on the agenda for

50

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later on, on the NARC petition. Was this just a informational thing or we're going to

3

4 MS. EAKON: The

5

6 MR. EWAN: take some kind of action?

7

8 MS. EAKON: It has been published in the Federal Register, and the comment period closes April 3. So it might be to your advantage to read this tonight and be prepared to offer some comments on it tomorrow.

12

13 MR. BASNAR: Thank you. One comment on this suggestion that Taylor made. There is a proposal before the Congress now to put a hold on Federal regulations for one year. I would hate to spend an awful lot of time in going through all of this and then find out that nothing's going to happen for a year. If that's going to be the case, we might as well wait for a year and use updated data.

20

21 MR. BRELSFORD: There was an exception made for the Subsistence Management regulations for Subpart D. I'm looking around to see if Bill is here. Did that exception extend -- would that extent to C&T determinations?

25

26 MR. KNAUER: C&T determinations would probably -- I don't know whether a C&T determination could get in in time for the -- to avoid the closure. Senate -- one of the Senators did remark that the annual seasons and harvest limits would be published prior to the closure.

31

32 MR. BRELSFORD: I think the end result is there's some uncertainty but the Alaska Delegation did indicate an intention that the Federal Subsistence Management Program would continue and would not screech to a halt during a moratorium on new Federal regulations. So I'm not sure we can guarantee all of the aspects of it but those are

38

39 MR. BASNAR: Well, I think C&T might

40

41 MR. BRELSFORD: We'll just see what happens.

42

43 MR. BASNAR: go forward under that but I don't know about bag limits and -- you know, it would be -- well, anyway it's something for us to think about. I think we'll reach a compromise on it tomorrow. Staff wants to start at 8:00, we want to start at 9:00, let's do it at 8:30, how's that?

49

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1 MS. EAKON: Okay.
2
3 MR. BASNAR: Any objections to 8:30?
4
5 MS. EAKON: Okay.
6
7 MR. BRELSFORD: He had another question.
8
9 MR. EWAN: I'm sorry, Ralph.
10
11 MR. LOHSE: I was going to make one comment. There's
12 another option that we could do, and that is to actually put
13 out a call for proposals from the communities involved and then
14 work on them at a future date.
15
16 MR. BRELSFORD: In the fall,
17
18 MR. LOHSE: In the fall
19
20 MR. BRELSFORD: for example?
21
22 MR. LOHSE: or some other time.
23
24 MR. BRELSFORD: Right.
25
26 MR. LOHSE: I mean because basically for us to look at
27 seasons and bag limits when we have no idea what the
28 communities involved want doesn't make sense.
29
30 MR. BRELSFORD: That would be similar to the no action
31 option.
32
33 MR. LOHSE: Well, it wouldn't be no action
34
35 MR. BRELSFORD: Treat it separately in the fall.
36
37 MR. LOHSE: because we would ask -- we would put
38 out a call for proposals.
39
40 MR. BRELSFORD: Yes.
41
42 MR. BASNAR: Roy.
43
44 MR. EWAN: Yes. Along the seasons and bag limits, I
45 think we have a person that's going to talk about it from the
46 Copper River area, moose season. I just want to know how you
47 want to go about that particular one or any that comes up from
48 the public.
49
50

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1 MS. EAKON: They have things (ph) to talk on
 2 proposal 14.
 3
 4 UNIDENTIFIED VOICE: We have the booklets.
 5
 6 MR. BASNAR: We have one from Gloria, we already do.
 7
 8 MS. EAKON: Okay.
 9
 10 MR. BASNAR: Someplace.
 11
 12 MR. EWAN: Yeah, I know. I know. How do you -- you're
 13 talking about the general process of seasons and bag limits.
 14
 15 MR. BRELSFORD: Thanks. Our intention was to try to
 16 conclude the Kenai Peninsula work first and then there are a
 17 number of proposals for changes in the Federal Subsistence
 18 regulations and some Staff analyses and so on. Those would
 19 come as the first item of new business, I believe.
 20
 21 MR. BASNAR: Sure.
 22
 23 MR. BRELSFORD: The proposals for this year.
 24
 25 MR. BASNAR: Proposal by proposal is how we're supposed
 26 to do it.
 27
 28 MR. EWAN: Yeah. What I'm asking I guess, we are
 29 expected, if there's a proposal, to sort of act on those?
 30
 31 MR. BRELSFORD: The proposals that were submitted in
 32 the fall and circulated for public review and have received
 33 some Staff review, those are the ones that are before you in
 34 the yellow booklet
 35
 36 MR. EWAN: Um-hum.
 37
 38 MR. BRELSFORD: for your recommendations that go
 39 to the Board in April.
 40
 41 MR. EWAN: And these new ones they're all up (ph).
 42
 43 MR. BRELSFORD: Right. I think if somebody has the
 44 recommendation or a proposal for changes in seasons or bag
 45 limits or methods and means, that new proposals come in
 46 September of each year, they come in the fall. So that might
 47 have to be postponed until next fall.
 48
 49 MR. BASNAR: I think that's one of the things that we
 50

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1 the Council Members need to take back with us to our
2 communities and educate the communities as to the process.
3 That we just can't accept a proposal any time of the year
4 because they don't go anywhere until a specific time. So I
5 think we need to work on that some.

6

7 Any other comments or questions? The meeting will be
8 adjourned till 8:30 tomorrow morning.

9

10 (Off record)

11

12 (END OF DAY'S PROCEEDINGS)

13

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STATE OF ALASKA

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I, Rebecca Nelms, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 02 through 135 contain a full, true and correct Transcript of the Southcentral Subsistence Regional Advisory Council, Volume I, meeting taken Electronically by Joseph Kolasinski on the 28th day of February, 1995, beginning at the hour of 9:00 o'clock a.m. at the Sheraton Hotel, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by Joseph P. Kolasinski and Karen E. Squiers to the best of their knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 10th day of March, 1995.

 REBECCA NELMS

Notary Public in and for Alaska
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